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## Legault Report

# BRINGING THE CANADIAN ARMED FORCES INTO THE TWENTY-FIRST CENTURY

Report submitted to the Minister of National Defence,

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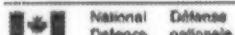
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# Foreword

It would take much too long for me to express here my gratitude to all those consulted in order to write this report. I must, however, thank my closest colleague, Professor Joel SOKOLSKY of the Royal Military College, who has provided crucial assistance, Sharon SUTHERLAND of Carleton University, without whom this work could not have been completed, since her work on ministerial responsibility has been so enlightening, Michel FORTMANN whose advice has been precious, my colleague Thierry GONGORA who patiently reviewed each page of this study, and my assistant Manon TESSIER, who never failed to fulfil my numerous requests for research and verification.

I would also like to express my gratitude to the individuals and associations who communicated to me their points of view, the embassies and consulates that had the boundless courtesy to accede to my requests, to the officers in my course at CFB Valcartier, who patiently explained all the complexities of the military profession, and to all those who extended to me their assistance and support. I also wish to stress the unceasing support of DND in Ottawa.

I beg the reader to be forgiving, for the time available to write this study was less than short. I bear full responsibility for any error or omission in this report. Having searched my soul and conscience, these are the best recommendations I feel authorized to submit to the Minister of Defence of Canada, to the Canadian Armed Forces, to the Government of Canada and to the Canadian public.

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# Summary

The issues of accountability and leadership are the two dominant themes that have haunted the press and public debate since the Commission of Inquiry on Somalia was set up. The crisis the Canadian Armed Forces face today is not unique to Canada. In every country in the world, people are wondering how to move on from the Cold War to the post-Cold War, while, on the one hand, weapons have been accumulating for fifty years, and on the other hand, civilian society is in crisis.

This work is divided into two parts. The first one deals with issues of accountability, of command and control, and civilian-military relations. The second one deals with ethics and the Canadian Armed Forces within Canadian society. In most instances, we have tried to place the issues within the broader context of democracy as well as within a comparative international context, whenever feasible and whenever data were available.

## Part I

We have borrowed from the Supreme Court of the United States the "doctrine of political accountability", to the effect that no Act is constitutional unless the legislator has thoroughly defined its contours and details, not leaving it up to others to define its substantive aspects. In Canada, accountability comprises the notions of ministerial responsibility (external accountability to Parliament) and the broader issues related to proper management of public finance through the main Acts governing the administration of this country (internal accountability). We call "political accountability" the Parliament's and the Executive's responsibility to define their policies as accurately as possible, without delegating to others or to the administration of the departments involved the responsibility for defining the substantive content of the policies. This is therefore a transposition of the "doctrine of political accountability" applied to the governance of the State. We acknowledge that this formula constitutes a doctrine or an approach because, to our knowledge, there is no jurisprudence upon which the Supreme Court of Canada might base itself to judge the accountability for the political governance of the State.

"Ministerial accountability" remains what it has always been. It means that the Minister is accountable to Parliament for all administrative aspects of his department but also for the policy of that department, from its conception, supported by a complete system of enlightened advice, all the way to full implementation of that policy, in accordance with the public laws, so that he may receive all the credit for that policy if it is well run, as well as the blame if it fails or if it does not comply with the constitutional realities enshrined in the legislation.

As a first stage, we recommend that the Government of Canada review in depth the mission it intends to entrust to the Land Forces. The present Acts and the present structure of the Department of National Defence seem to us fully in line with the broad principles of separate responsibility involved in the relationship between a civilian society and a military society. We therefore recommend that the present structure of the Department of National Defence be maintained. As a counterpart to the "political accountability" reserved to Parliament and the executive, we propose, however, that the Minister of National Defence submit, at the same time when the National Defence Expenditure Estimates are submitted to Parliament, a short report specifying in what way and how the policies defined by the government are feasible, realizable or difficult to implement. This practice would clarify the concept of ministerial responsibility because it would involve the information and administrative follow-up function required for implementation of any policy. This formula should clarify the policy debate in Parliament

and within the Executive.

Regarding the distribution of responsibility between civilians and the military within DND (Department of National Defence), the present system meets the requirements of a modern society. The crisis we face today is a periodic event, as if the military had never accepted their subordination to civilian authority. They had a crisis in the sixties, another one in 1972 with the submission of the Pennefather Report, a third one when looking at the issue of the unification of the Armed Forces under the Conservative government of Joe Clark while Minister Allan McKinnon was at the head of DND, and still today when DND is under the successive responsibility of Ministers Collenette and Young, and when the Commission of Inquiry on Somalia is going full blast.

Separation of the present diarchy within DND would only be harmful and would be a major disservice to the military. Whether they like it or not, the senior ranks must accept reality: they are part of, and must continue to be part of, the civilian decision-making apparatus of DND. In this field, civilians and the military must work hand in hand, they are indispensable to each other, and this could not be otherwise. If the gap between civilians and the military expands, it should not be dug deeper but attempts must instead be made to bring the political and the military aspects closer to each other. The symptoms are the same in the United States and in Canada. In both cases, action was - and is - required, as opposed to dragging things out.

The Chief of the Defence Staff must referee the conflicts between his three different services and represent all of them with a single voice. The Minister has every opportunity, if he so wishes, to meet with or discuss the issues specific to each of the three military services when he travels, when he visits Canadian Forces bases, or when he meets the Chiefs of the services on social occasions. On the other hand, the chain of command and control of the Forces must be simplified: the operational commands should take their orders from the Chief of the Defence Staff through the Deputy Chief of the Defence Staff instead of through the Command commanders, who are now designated under the titles of Chief of Staff - Land Force, Air and Sea. The Chiefs of Staff of the three services are there for professional reasons: to generate for CDS well trained forces perfectly trained for their mission. In that sense, they are administrators or functional vice-presidents, but they should not be part of the chain of command.

## Part II

The rebirth of ethics in government is not a fad; it corresponds to a basic change: the search for a "meaning" in the depersonalized society in which we live. This quest for "meaning" applies to both civilians and the military. And above all, to the democracies, for how should one reconcile the infinitely small and the infinitely large, i.e. the individual and the State, when Rousseau's broad social contract is sinking into pluralism, equality of rights for all forms of social organizations, diversity and even - as we were able to read in some of the letters we receive - into civilian "perversions".

We make a distinction between three sorts of ethics: conviction ethics, responsibility ethics and discursive ethics. It is at the crossroad between these three ethics that democracy flourishes, because the first one can oppose equally reasonable people, such as Messrs. Harkness and Green at the end of the fifties, because the second one is difficult to carry out but must be carried out specially when the plurality of morally good ends renders decisions difficult, because the third one, the discursive ethic, can only exist when the first two have been complied with. This is the prerequisite for democratic government. The ethics crisis we face today merely underlies the urgency of responsible action.

The images we have of the various players within society must be rebuilt. Military society is doing better

than civilian society. It is less criminal than the civilian one. The Land Force is perhaps less virtuous than the Air Force, but it is doing better than the Navy. The military have a profound ignorance of politics, and politics ignore the military to a similarly unacceptable extent. Our society is full of paradoxes. It is proud of its soldiers, or thought it was proud until recently, but it remains antimilitarist, especially in Quebec. One Canadian out of four can name NATO, and one out of eight NORAD. In Quebec, only one resident out of ten has a favourable view of the Canadian Armed Forces.

To reduce the gap between our civilian and military societies, we need to review in depth the mission of the Land Forces, the system for educating our soldiers and their career profile. The citizen-soldier is not a civil servant wearing a uniform; he can be placed in the horrible situation of having to kill or be killed. The better his education, the better he will understand his role as a citizen-soldier. Ninety per cent of U.S. officers have a university degree; in Canada, 60 per cent. We need both disciplined soldiers and soldiers capable of discernment in an environment where, most of the time, the goal is not to conquer or destroy but rather to build and participate in building peace. New career profiles are also needed for senior officers in order to better prepare them for the administrative positions that await them.

Recommendations 11 to 18 all deal with these various aspects.

However, education is no guarantee of virtue. Ethic issues must be changed into an accountability process that better integrates the decision-making functions of planning, evaluation and management. The military justice system must be harmonized with that of civilian justice. There must be a thorough review of the *Queen's regulations and orders for the Canadian Forces* because they are disconnected from reality. Finally, a position of Parliamentary Commissioner for the Armed Forces should be created, on the German model, in order to ensure implementation of ethics principles within the field of leadership, career promotion, services to Forces personnel and their families as well as regarding the working relations between the Regular and Reserve Forces.

Finally, there is a need to end the administrative fiefdoms that exist in Ottawa, and to better determine Canada's needs in matter of sovereignty. However, it would also be useful to better integrate the Armed Forces within the nation, and to explore with various interested provinces the activity sectors where the skills of Reserve soldiers and officers could make a contribution.

The five priorities of the Government of Canada should be:

1. redefining the mission of the Land Forces;
2. educating its soldiers;
3. training them better in order to participate in missions to rebuild and to bring about peace;
4. integrating them better in civilian society, and
5. developing a system of ethics and management that would include:
  - o the political accountability and technical accountability functions;
  - o civilian and military relations;
  - o the military justice and civilian justice systems;
  - o the rights and freedoms of soldiers within Canadian society;
  - o relations between the media, the politicians and the military.

Finally, we would have liked to have more time to fine-tune this report. We ask for the reader's forgiveness regarding the structural weaknesses of this report.

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# Part One

## Accountability, Command and Control Issues

The end of the 20th Century is a baffling period in history. The chance of a world war between the major powers of the international system has receded with the end of the Cold War. General, world or total nuclear war is dead, at least temporarily, in the hearts (if it is still feared, no one talks about it!) and the minds (nobody wants it!). Nuclear weapons do exist, but the major powers seem to have already exorcized their nuclear demons. To many people, nuclear mythology is not longer part of history. The "collective subconscious" now finds its fears and anxieties in the world economic crisis, where major social projects are remarkably lacking due to the globalization of trade and the increased interdependence of States. In fact, no one knows anymore whether military strategy is fated to disappear, or if, on the contrary, the economy has taken the place of strategy as a major leitmotiv in relations between States. The major threats no longer come from totalitarian regimes but from "globalitarian regimes". Economic fashion demands restructuring, reengineering, privatization. Work is no longer a right, as several papal encyclicals have pointed out, but a job one must earn within a productive, performing and competitive economy. Older people are taking their time to leave their work and privileges. Young people are clamouring urgently for work, mostly without violence and with resignation.

Within the industrial societies, the Welfare State is dead. The State is losing its shine and power, civilian society is engaging in an unprecedented contestatory movement but paradoxically, it continues to rely on the State to face the dangers that threaten society from within (corruption, increasing gap between the rich and the poor or what some authors have called the South in the North, drugs, terrorist movements, terrorist attacks, chronic unemployment, layoffs, sexually transmitted diseases, falling birth rates and aging populations, environmental degradation and a growing crime rate). Overseas, entire populations are killing each other, ethnic conflicts multiply, 17 million refugees and displaced persons have still not found decent shelter or a piece of land to welcome them, and international organizations are often powerless before the magnitude of the crises and conflicts. To salve their conscience, rich countries occasionally set up humanitarian aid and assistance missions.

In his imaginary conversations with Paul Valéry, Hector Bianciotti puts the following words in his mouth: "Democracy is a terrible affectation, it is posturing. Nothing could be further from the truth. It will perish with the exclusive dominion of money." Nevertheless, people continue to clamour for it. They are demanding responsible governments, responsible ministers and Members of Parliament, responsible military and responsible citizens. Foreign policy is no longer the preserve of princes; there is democratization, consultation, people want the democracy of people by the people. All things are returning to everyone's lips; we want inspired leaders, we clamour for leadership everywhere. In the companies, in the Church, in government, all of it accompanied of course by a policy of ethics, equality, non-discrimination and sexual non-harassment. In addition, a new word has appeared in the political vocabulary over the last twenty years. This is the word "accountability". Is this a miracle formula invented by well-intentioned democrats for designating a guilty party when things are not going well? Or is it a deep tendency of the people who are fighting over the ever-shrinking public finance pie? Or is it instead a more general policy, where each cent must be spent according to universally recognized, liberally-inspired democratic Standards and criteria?

This report is a response to the crisis that is shaking the Canadian Armed Forces today. There is a crisis,

but it is perceived differently by the Commission of Inquiry on Somalia, by the government, probably by the Department of National Defence, and probably also by the public and the Canadian Armed Forces. Should people be held responsible for this crisis? Have the government and the politicians done everything within their power to prevent it, control it and counter it in the final analysis? Are the military responsible for their actions, and if so, how far must one go up the chain of command to find those guilty, those responsible and the innocent victims? Who decides their guilt, their responsibility and their violations of the Code of discipline? Are the military or the politicians responsible for this situation? Due to the complexity of the issue, we must look at the problem from three different angles. First of all, from the angle of political responsibility, then from the administrative angle of the civilian and military powers and competencies, and finally, from the angle of civilian and military relations. In Part II of this report, we deal with the links and relationships between Canadian society and the Canadian Armed Forces.

## 1 - Political Accountability

The issues of political accountability and responsibility are dependent, first of all, upon the sharing of the concurrent or exclusive powers between the legislative, judicial, executive and administrative arms of government, and secondly, as regards the field of defence which is our concern, on the precise responsibilities held by the military and political powers. While, as a rule, ministerial responsibility, financial responsibility and administrative responsibility are often mentioned, political accountability is a less popular topic because in people's minds the latter term comprises all the others.

In each case, a set of constitutional principles determines the powers and competencies of each organ involved in managing a country's affairs. Thus, the executive defines the major policy orientations of a government, Parliament enacts laws, the Supreme Court renders its verdict on the constitutionality of those laws, and the administrative agencies of the State manage the policies in accordance with the laws and directives determined by the State. It is only when a State acts in accordance with the laws, customs and the Constitution that its government can be called responsible.

The notion of political accountability remains the most difficult to define because it varies from one political regime to another, and it is often mistaken for the concept of "openness", democratic openness, political transparency, moral and political responsibility, and determination of the precise responsibility regarding the facts and actions effected by a State organ or an individual. The ultimate test of political accountability in the British parliamentary tradition is a vote of non-confidence among the members of Parliament, or the dismissal or reelection of a party by the voters. Collective responsibility is determined by three principles: a government falls or survives as a solidary administrative "entity", that entity speaks to Parliament with a single voice, the ministers resign collectively if the Government asks for the dissolution of the House or if it falls on a vote of non-confidence. These principles also imply a counterpart: Cabinet members are solidary but may resign if they disagree with the government's policy. We will deal later with the issue of ministerial responsibility.

According to D. Bruce LaPierre, political accountability must comply with the principle that those who have the power or the responsibility to make a decision "should bear, to the fullest extent possible, the costs and benefits and the credit and blame for their decisions". The purpose of political accountability, LaPierre adds, is to "enable the electorate to control policy and to provide for majority rule". Although political scientists, such as R. Dahl and W. Riker were the first to speak of accountability as being at the very heart of democracy, this formula remains particularly difficult to implement within the framework of a federal system where the legislative powers of one player may depend, as far as law enforcement is concerned, on the concurrent competence of the powers of the other player. In the United States, the

notion of "political accountability" has gradually acquired the quality of "doctrine of political accountability", confirmed by the Supreme Court and often used to control the legislative inconsistencies of the U.S. Congress. Thus, the legislative arm may indeed enact laws but it becomes politically irresponsible if the laws enacted remain vague or are interpreted in different ways nationally, or else if the substance of their enforcement is left up to the discretion of other agencies. Within the context of contemporary administrative law, some authors come close to concluding that "unaccountable legislation is unconstitutional legislation". According to Christopher T. Handman, political accountability implies, at the least, that Congress "must be able to enact laws and impose mandatory policies so that voters may hold them responsible". In other words, the constitutional foundations of the "doctrine of political accountability" are based on the principles that, in order to be able to legislate, a government must be clear and precise, it must be democratically elected, and it must represent "self-governance", i.e. government of the people by the people.

This notion of political accountability remains more transparent in the American system than in the Canadian system. In the United States, the clear separation of powers between the various organs of government is certainly based on the American Constitution, but also on what has been called a system of checks and balances that is the very essence of the U.S. political system. In Canada, the situation is not so clear. Although the Constitution defines the prerogatives and competences of the political organs of the State, the sharing of powers between the legislative and executive branches is at least muddy, if not non-existent. Paradoxically, Canadians believe that they have a democratic system in which Parliament has all the powers, whereas in reality Canada has virtually a presidential system with a strong concentration of powers in the hands of the Prime Minister and his Privy Council. In the United States, on the other hand, the system provides a better balance between Congress and the Executive. In Canada, the Prime Minister is not elected by universal suffrage, he is picked from within the majority party elected. The Crown, as we know, has royal prerogatives. It may dismiss a Minister or Prime Minister, if they lose the government's support. In reality, it is the Prime Minister who dismisses or appoints a Minister. With the consent of the Governor General, the Prime Minister may dissolve the House and call national elections. He chairs the meetings of the Cabinet and has the authority required to act in any government matter, more specifically in issues of foreign policy (trade and defence). A legal expert who has little respect for British political decorum, writes:

Whereas the President of the United States has the unfettered discretion to dominate the executive branch and matters of foreign policy, the Prime Minister, by Great Britain's formal lack of separation of powers, occupies a dual role which allows the office holder to dominate the executive as well as legislative functions of government. Though some may want to call the Prime Minister a "first among equals", in fact the Prime Minister could easily be considered a "constitutionally elected dictator".

The American and Canadian systems are therefore different. Whereas in the United States the emphasis is on the "substance of the decision-making process" in order to establish the respective influence of the shared powers on the content of policy, the thing that matters in Canada is the "disaster-bring-forward" mechanism within which it is important to bring to bear the notion of political accountability.

In matters of political accountability, the supreme sanction comes from the ballot box when it is time to elect a new party or to reelect the old one. Upstream, the power in place may obviously avail itself of the supreme sanction: force a minister to resign or remove from his functions the person responsible for the failure of a policy, unless it is the minister himself who decides to resign. Many other means may also be used to promote greater transparency of power: the distribution of petitions throughout the country, the government's obligation to answer requests for information from interested citizens or groups under the Freedom of Information Act, the role of the media, academics and informed citizens who take a stand on

subjects of public interests, and so on. However, these methods are merely "aids" to accountability. They promote political transparency and therefore contribute to differentiating the political and administrative responsibilities that will later make it possible to provide a partial solution for the issue of political accountability.

However, it is the executive or the Cabinet that is the major designer of policy, whether in defence or foreign policy. A White Paper published on defence commits not only the Department Defence, whence it originates, but also the Cabinet and, therefore, the government as a whole. In this area, one leaves the field of political accountability proper and enters a process of transparency and shared functions. The House and the Senate thus have a role to play in formulating defence policy. The House controls one of the most vital defence functions because it disposes of the government budget and approves on an annual basis the National Defence Expenditure Estimates. Although it is true that it seldom debates defence issues, it nevertheless debates in Commission or Committee the broad issues or specific problems of immediate interest to the Government of Canada. In 1988, the House Standing Committee on National Defence published a report on *The Reserves* and, in 1993, a report on peacekeeping. In 1989, the Special Senate Committee on National Defence published a report on the *Canadian Land Forces*. Other studies from DND (Department of National Defence) were also published as a complement to the work of the House and Senate Commissions. For example, DND published in 1995 an *Evaluation Paper on implementation of the Total Force concept* as well as the *Report of the Special Commission on the Restructuring of The Reserves*, the study of which had been entrusted to Chief Justice Brian Dickson, as well as to two commissioners, Lieutenant-General Charles H. Belzile and Professor Jack L. Granatstein.

In the area of defence, it has never happened - to our knowledge - that a House or Senate report has been neglected by the executive. It is not longer within DND's habits to publish a White Paper before the House or the Senate, or both, have made the reports public. A broad consultation and shared function process is thus the basis for the determination of the policies of the Canadian government. The issue of political accountability is therefore difficult to settle, because policy formulation results from a consultation process between the executive, the legislative, the Department of Defence and, very often, Treasury Board or the Department of Finance. The real "owner" or depositary of Canadian interests is the Canadian government and, in the last instance, the Canadian people. Can we support the statement W.L. Mackenzie King made in 1938 to the effect that "The Policy of the government...is that Parliament will decide what is to be done?". This formula quoted in the astonishingly critical but also refreshing book by Douglas L. Bland, *Chiefs of Defence*, deserves to be somewhat qualified. It is the Cabinet, and not Parliament, that determines the broad orientations of the government, although MacKenzie King was trying at the time to use this as an alibi to resist the pressure of his great British or U.S. allies. The House cannot impose its dictatorship upon Cabinet, and conversely, Cabinet cannot disregard the House. The Crown is not subject to anyone, with the exception of God and the Law, which is the British tradition. While the Crown may be taken to court, it cannot be imprisoned because the Queen personifies the Crown.

Otherwise, Parliament could dictate its laws and policies. The policies pertain to "what must be done" or the famous "ought" that is found in the platforms of political parties and in the policies decided on by the government. That is where the famous leadership that people and voters are clamouring for resides, provided of course that this leadership match their most legitimate aspirations and their interests, properly understood. Within the field of defence that we are concerned with, the constraints of the political system or of the political process are numerous. In addition, foreign policy and defence issues seldom constitute public interest issues debated by parliamentarians, the media or the interested political groups. In the United States, Congress sends 750,000 requests to the Pentagon each year, demands

approximately 750 annual reports, not to mention that the public accounts of the U.S. Department of Defence are also subject to the impressive powers of investigation of the GAO (General Accounting Office). In Canada, the number of inquiries made by members of Parliament to DND amounts to approximately six or seven hundred a year, while the correspondence between MPs and the Minister of National Defence amounts on average to 2,250 exchanges a year for the three years 1994-95-96. And according to Senator Kenny, the legislative arm in Canada "lacks the intellectual staff and financial resources to do the analysis necessary really to call the government and Minister of National Defence to account".

If we expect a Parliament or Government to be truly politically accountable, it must not only implement equitable, fair laws that match the aspirations of a democracy, but it must also define clearly and as accurately as possible its policies, including of course the defence policy. Many political problems could be avoided as regards the unfortunate relations between civilians and the military at National Defence Headquarters if the Government would make clear, precise decisions upstream. It should be recalled that the government alone is the "owner" of the definition of Canadian public interest, and defence policy is part of that public interest. It is not up to the military to define defence policy, but to the Government. It is not enough to say that our defence policy consists of defending the sovereignty and integrity of Canada. In my transmission letter for this report addressed to Minister Doug Young, I stated the general feeling of the Land Forces: "The Army is no longer in Europe, it goes everywhere on peacekeeping missions, it does not know where it will go next and it has no sense of a mission for the future. It has been at war over the last five years, had to go through extensive cuts and reorganization, is in the process of losing a leg with the non-renewal of its armoured tank, has no higher forum of discussion to exchange ideas between civilians and military, and the morale is low everywhere." Surely, the military are not solely responsible for this crisis. The political arm must urgently define the new missions of the Army, say what it expects from it, provide it with the training needs required for its functions, justify its *raison d'être* and its place within Canadian society.

**Recommendation 1: As a first step, the Government ought to define the mission and role of the Army, as well as its *raison d'être* and its place within Canadian society. Other recommendations resulting from this proposal are formulated below.**

As regards political transparency, many believe that the problems have become so acute that it would be advisable to create at the top level a kind of National Security Council or an interdepartmental coordination organ that would be the Prime Minister's *alter ego* for decision-making in the event of an international crisis. No matter how well-meaning this proposal might be, we do not believe that it meets a basic need. First of all, Canada is a small-to-medium power depending on the sensitivity or importance others attach to Canada's role in international politics. As emphasized by Major General (Ret'd) Dan Loomis, the major powers all have a similar structure. All this is true, but one must remember that Canada is neither Great Britain, which still maintains a special relationship with the United States, nor France, which has a presidential system where the area of foreign policy and defence is traditionally reserved for the President, nor Germany, which has become one of the main economic powers of the international system. Secondly, foreign policy and defence issues are not paramount among the voters' concerns. Thirdly, some Prime Ministers are more interested than others in foreign policy, but with the exception of Lester B. Pearson, few Canadian Prime Ministers have left their mark on this field. Prime Minister Trudeau was only interested sporadically in defence issues, and when a Prime Minister gets involved, it rarely happens that his/her major initiatives - Prime Minister Trudeau's 1984 peace initiative, or that of Prime Minister Chrétien in the crisis of the Great Lakes in Africa - end up having a great deal of impact, which does not, however, mean that they did not deserve to be launched.

Fourthly, the history of the operation of the National Security Council in the United States has been a disaster rather than a success because this type of organization merely rekindles the bureaucratic infighting among the major administrative players of the government, while the representatives who are members of that organization are in addition vying for the President's favours or attention. Fifthly, such an initiative would render even less transparent the foreign policy processes in Canada. Sixthly, it would shift ministerial responsibility to the Minister's Office, thus transforming the Canadian parliamentary system into a quasi-presidential system. Finally, such a structure would add nothing to the Cabinet committees set up on an *ad hoc* basis to study certain major issues, such as when former Minister Joe Clark chaired a Cabinet subcommittee on the acquisition of nuclear submarines for Canada.

Major-General Loomis' proposal nevertheless had the merit of raising the issue of the policy coordination required on two levels: the interdepartmental level, and the civilian-legal-military level. Interdepartmental coordination is usually there for long-term issues, but the question raised here is whether the government has the coordination tools required in times of crisis. Major-General Loomis raised important points: External Affairs was often uninvolved in the Somalia crisis, the rules of engagement were determined hastily, and those that were formulated no longer complied with what was being demanded because the mandate of the Force had changed in the meantime, while the follow-up required for the reports generated by the operations base often remained in limbo.

**Recommendation 2: That each major peacekeeping operation in which Canada is a participant be equipped with an interdepartmental coordination structure comprised of the Chief of the Defence Staff and the two Deputy Ministers for National Defence and External Affairs, with representatives of the Privy Council, the Canadian International Development Agency, the Chief Electoral Officer of Canada, the Royal Canadian Mounted Police and other departments, if they are concerned with an operation underway.**

We believe that this procedure is more in line with Canadian constitutional reality, and it makes it possible not to hold the Prime Minister of Canada responsible for every minor detail, although he/she remains ultimately responsible for all government policies. This formula could also prove that every military viewpoint would be taken into account for each peacekeeping operation. In our opinion, this is a crucial element considering the civilian-military requirements and specific aspects that will be developed further in this study. This formula also makes it easier to integrate the ministerial responsibility of the Minister of External Affairs, since that Department is the lead Department for peacekeeping. However, interdepartmental coordination does not settle all the issues of follow-up required for running an operation.

**Recommendation 3: That a second follow-up coordination cell be created, located inside DND, and comprising at least the following representative elements: one representative of the Department of External Affairs, one representative of the Office of the Judge Advocate General or the Military Police, one representative of DND Political Affairs Branch, and one representative of each military service involved in the mission. This organization could coordinate a single mission or several simultaneous missions, if justified by circumstances, and operate as a crisis cell during the bulk of the operations.**

We are aware of the fact that this is more or less the procedure that was followed during the Somalia Affair, but the coordination cell was seldom as well-staffed as the one we are proposing. Further recommendations on the command and control structure of the Armed Forces follow.

## 2 - Civilian and Military Powers

Before discussing the civilian-military relationship and the issue of ministerial responsibility, we believe that it would be useful to recall here the major turning points in the evolution of the military structure of the Canadian Armed Forces.

### a) Evolution of the Structure of the Canadian Armed Forces

During World War II, each service had its own Department headed by a Minister and a Deputy Minister, with the Minister of Defence, the Prime Minister and Treasury Board doing their best to coordinate those three different services. Following World War II, it was up to Minister Brooke Claxton to integrate all these empires under a single roof, that of National Defence Headquarters.

The United States had their Admirals' revolt in 1949, Canada had its own with the resignation of Admiral William Landymore in 1966, shortly after Minister of Defence Paul Hellyer published his White Paper on Defence. In the name of effectiveness, economies of scale, improved management of the armed forces and greater Canadian loyalty of the officers, two Bills were submitted to Parliament a few years apart, Bills C90 and C243. Bill C90 imposed a common management and command system for the three services as well as support forces common to the three branches. Bill C90 became effective 1 August 1964: the "integration" of the armed forces was officially in place. Sixteen years later, the Task Force tasked by Conservative Minister Allan A. McKinnon with studying the unification of the Canadian armed forces summarized as follows the provisions of Bill C90:

...the process by which the three Services are brought together under single control and management with common logistics, supply and training systems, operating within a functional command and organizational structure but retaining the legal identities of the three Services and the legal barriers between them.

National Defence was henceforth reorganized and managed based on common administrative tasks (operations, personnel, finance and logistics). The three Services thereby lost their individual command structure and the single command functions were entrusted to a Chief of the Defence Staff common to the three Services. The second Act, Bill C243, was passed by Parliament in May 1967 and became effective on 1 February 1968. This time, the goal was to "unify" the three Services into a single defence structure: the Canadian Armed Forces. In practice, few people make a clear distinction between the integration and the unification of the Canadian Armed Forces. The reforms undertaken pursuant to Bill C90 logically led to the measures of the second Act on the reorganization of the Armed Forces. However, in practice, those two terms meant different things to the military. The first one stripped them of their individual chain of command. The second one made them lose all identity, with the result that seamen and submariners suddenly became green frogmen, because all members were henceforth to wear the same uniform. It is not until the mid-eighties that the Canadian government allowed members of the Armed Forces to once again wear the light blue uniform (Air Force), dark green (Land Force) and navy blue (Navy) or brilliant white for official ceremonies, which now distinguish each of the CF Services.

Three elements were at the root of the 1964 White Paper: the intent to reduce government expenditures in accordance with the report of the 1961 Glassco Commission, the need to end the painful interservice rivalries, and the need to equip the government of Canada with a unified, independent but competent structure for military advice. As such, the Glassco Report that Minister Hellyer was to use to strengthen

his civilian power over the military was only a first step in the pursuit of greater political control over the military. However, an "organizational management" - type revolution struck DND full blast in July 1972, with the submission of the report of the Management Review Group, better known as the "Pennefather Report". Requested by the minister as early as June 1991, it concluded that "DND was unable to adapt to adequate organization and management methods to meet the needs of unification, defence priorities and roles, as well as the changing public attitudes". The report recommended in particular that the services of the Deputy Minister be coordinated with those of the Minister in order to better merge the political responsibility of the Minister with the responsibility for administrative control which is held by the Deputy Minister; that the Chief of the Defence Staff be renamed Chief of the Defence Forces Staff, and that responsibility for planning, financial services, personnel, engineering and procurement, under the responsibility of senior military officers, be henceforth entrusted to four Assistant Deputy Ministers. This report had the impact of a bomb within the Canadian Armed Forces. The accusation of "civilianisation" of the Armed Forces was henceforth the new slogan used to qualify that policy some believed to be shameful and ill-advised.

This criticism is still being levelled today. The main impact of the Pennefather reform was to eliminate the old Canadian Forces Headquarters, replacing it with a National Defence Headquarters organized in a two-headed or diarchic fashion that many people would dearly like to be rid of today. In other words, the Armed Forces should have their own Staff, physically separate from the Department of National Defence. More profoundly, the Pennefather reform meant that all responsibility for the "planning policy" would henceforth be shared by a civilian Deputy Minister and a military chief of staff. That contamination is still perceived today as an outright denial of the Canadian Armed Forces command and control responsibility, since the senior officers henceforth report to a Chief of the Defence Staff partially accountable to the political authority even while being fully accountable to the chain of command. A renowned expert on defence issues, Douglas Bland, concluded that this structure was a failure, and added:

...the inappropriate and confused organization of NDHQ needs to be rebuilt on a sound legal base that clarifies the distinct responsibilities of the major actors in the structure. The key to redressing these failures is the reestablishment of a strong, unified, central military staff responsible to CDS alone so that he can formulate a military strategy for the defence of Canada and control and administer the CF for that purpose.

#### b) Ministerial, Financial and Administrative Accountability

In theory, the principle of ministerial responsibility is simple: the legal responsibility of a Minister extends to all acts of the Crown within the administrative jurisdiction of his department. According to constitutional experts Marshall and Moodie, the Minister is the "constitutional mouthpiece through which departmental actions will be defended or repudiated and from whom information is sought". The Minister is invested with authority for any decision regarding his department's policy, and he is accountable to the House. The Minister is responsible for the management and organization of his department, and all his civil servants are also accountable to him, since they are appointed on a revocable basis. They thus serve during the pleasure of the Crown.

Ministerial accountability implies that a Minister may be held responsible for any action that does not comply with morals, that he has the duty to be accountable to Parliament as well as the obligation to account administratively for the actions carried out or the decisions made. The practice of accountability, according to Canadian custom, thus covers:

Any aspect of administration including policy implementation, the provision of a structure of complete "advice" or policy analysis for every ministerial decision, retrospectively if caught by surprise by extra-departmental policy development by ministers, and even for the form and content of policy itself.

Sharon Sutherland, author of these lines, specifies that substituting "a kind of direct "accountability" of officials for the responsibility of Ministers" runs counter to the basic rules of democratic government, as regards ministerial accountability. The successive Acts passed by Parliament in administrative matters nevertheless render the management of DND particularly complex. The difficulty does not reside so much in the administrative structures of the department or in its two-headed organization, but rather in the Acts themselves which create a State within the State. Thus, in Canada, the Governor General is the Commander in Chief of the Canadian Armed Forces. The Chief of the Defence Staff is the only senior official who may, at law, have direct access to the Governor General. Three senior DND officials are appointed by the "Governor General in Council": the Deputy Minister who is the Minister's *alter ego*, the Chief of the Defence Staff (CDS) and the Judge Advocate General (JAG) who is accountable to the Minister of National Defence. Unlike the JAG, who only has a general power of administration of justice and not that of an Attorney General, the CDS is an executive official of the Crown. He commands troops, he is responsible for the training and instructions, for their effectiveness and their state of preparedness; he alone - not the Minister - can issue military orders; he alone is responsible, under section 18 (1) of the National Defence Act, for "control and administration of the Canadian Forces". However, the same section also specifies that control and administration over the Canadian Forces are subject to the "regulations" and are exercised under the direction of the Minister of National Defence. Moreover, only the CDS is responsible for the promotion of his officers up to the rank of colonel, the other senior appointments being subject to the Minister's approval. The CDS is also the main military advisor of the Minister of National Defence.

The Minister derives his powers from section 4 of the *National Defence Act*. He is responsible for the "management and direction" of the Armed Forces and of any other subject pertaining to National Defence. The primacy of the Minister's power is thus clearly affirmed by the legislation, and no one in Canada is contesting the primacy of civilian power over military authority. On the other hand, the powers of the Deputy Minister are rather more contested, because under the Interpretation Act, he is the Minister's *alter ego* as regards all his general responsibilities. This element however, is common to all ministers and meets the spirit of the Lambert Commission's work, the *Financial Administration Act* and the *Public Service Employment Act*. It is nevertheless true that DND is a special department, and the question that arises is whether or not the "planning and management of policies" managed together by civilians and the military seriously undermines the principle of operational effectiveness of the Armed Forces. Before answering this question, a few words must be said about the specifics of civilian-military relations.

### c) Civilian-Military Relations

The political-military crisis Canada faces today is in no way specifically Canadian. The debate on the future of the armed forces in France, in the United States and in most Western democracies is lively, sharp and polarized. The 1991 Tailhook scandal in the United States triggered the departure of 14 admirals, and cast a shadow or had a serious impact on the career of more than 300 Navy airmen. The Tailhook affairs which lead to the suicide of Admiral Jeremy Michael Boorda, Chief of Naval Operations of the U.S. Navy, did, however, disclose the deep crisis that underlies civilian-military relations in the United States. At one extreme of the debate, there is the classical military tradition embodied by a former Navy officer during the Reagan administration, James Webb. An ardent defender

of his Service, he believes that there is a profound gap between the military tradition of the nation and its civilian society - a society that has never or hardly ever served in the military. The miracle solution is therefore to give the Navy back to its leaders. Thus:

If the Navy is to regain its soul and its respect, the answer lies in the right kind of leaders. Leaders who understand that the seemingly arcane concepts of tradition, loyalty, discipline and moral courage has carried the Navy through cyclical turbulence of change... It is time to give the Navy back to such leaders.

A former admiral, now retired, Thomas Moorer said to his counterpart Boorda, shortly before his suicide: "You've got to face the fact that you are viewed as being part of Washington". (It is true that Admiral Boorda was a military officer who was a quintessential bureaucrat, and that, as such, his relations with the political authorities were excellent. He was therefore never viewed as being part of the real seamen, although he had served on a surface vessel during the Vietnam War. In reality, there is an open conflict between the bureaucrats and the military. These conflicts have always existed, but they are becoming sharper today simply because the military's traditional missions are changing, budget cutbacks are being felt everywhere, no new enemy has yet been invented to justify maintaining huge military forces in peace time, and the public is increasingly wondering about the ethics of the military. The first axis of the debate is relatively well defined: military tradition is the only one that counts, and we [the military] possess the only way to do things.

On the other side of the debate, there are the politicians, Congress and the U.S. executive arm that believe that the military must adapt to the realities of the new civilian society and to its growing rights to equality, non-discrimination and employment equity. Colorado's representative on the House Armed Forces Committee, Pat Schroeder, does not mince his words: "What you've got in the Navy is a culture cracking." These tensions between civilian society and military society are not new. But, according to Boyer, they are occurring "at a time of uncertain purpose, unwelcome change, and rampant scandal."

Although in Canada the opposing extremes are not as marked, they are indeed there. People are denouncing the lack of leadership of our military, the excessive bureaucratization of DND, the "careerism" or "loss of memory" of our military leaders who are more interested in exculpating themselves than in telling the truth before the Commission of Inquiry on Somalia, the poor policy coordination between the CDS and the Deputy Minister, to mention but a few. In his foreword to Michel Purnelle's book, Colonel Michel W. Drapeau repeats the same themes: "our current leaders are more interested in taking advantage of their position than in taking their responsibilities seriously", but the problem is greater and deeper, Colonel Drapeau stresses, because "the Canadian Armed Forces lack leadership". The other side is more ambiguous. Rightly or wrongly, the government is accused of trying to fudge things, but the conclusions of the Commission of Inquiry on Somalia are still awaited with interest. Many people are demanding that the Armed Forces subordinate themselves to civilian society. Two Chiefs of Staff have left, a minister has resigned, and many members of the military found themselves under fire at the Commission of Inquiry or court martialed for misconduct, professional negligence or criminal charges. In the meantime, a new minister was appointed. He instituted a freeze on all promotions until 31 March 1997, asked for reports from four civilian experts whose mandate covers the review of the promotion of military officers, and entrusted a study to former Chief Justice Brian Dickson on the reform of military justice within the Armed Forces.

If "a mandate to examine the effectiveness of universities" had been entrusted to generals, the government would have found itself facing a crisis, I was told by a former senior Defence official. All of this is true, but the questions being raised have another focus. In reality, the debate is larded with unfortunate images and words that do not reflect the true dimension of the problem. Our current crisis of

values also forces us to cut back the budgets. The military are not alone in denouncing the bureaucratization of decision-making. The universities complain about it, the public is complaining, industry is complaining, and the liberal professions are complaining. What does this mean, then? In addition, it is not a given that the politicians' vision of the future of the Armed Forces is much clearer than that of the military. Under these conditions, one might expect that the "military will sometimes have more influence than the civilians, because their natural tendency would then be to divide the latter amongst themselves, or to reinforce the choice of the politicians whose points of view are closest to their own". The point is not to decide who, of the civilians and the military, is right, but rather to develop a consensus among the two, in spite of the various tendencies pulling every which way.

In Canada, integration of the Armed Forces has been interpreted as a policy designed to deprive the three Services of their own organization and to prevent them from pulling in three opposite directions. In the United States, Congress historically opposed "excessive unification" of the armed forces lest such concentration of military power, according to military sociologist Morris Janowitz and Professor Samuel P. Huntington, cause them to speak with a single voice or weaken civilian control over the military. It is true that the size and scope of the armed forces of Canada and the United States are not comparable. In both cases, however, it is because of the political vision of Congress or Parliament that the laws were changed, that reforms were undertaken and that more rational management policies were implemented. In both countries, the political power has always intervened in a crisis, and in both countries, the debate became politicized when the civilian power allowed things to go on. In both countries, bureaucratization and the loss of operational command unity that results therefrom, are decried.

On the other hand, as emphasized by Admiral William J. Crowe, former Chairman of the Joint Chiefs of Staff, high-ranking U.S. military personnel rarely reach the top echelons of administration unless they already have good mastery of "international issues, the politics of Congress and public affairs". Beyond what point does a member of the military become a civilian, or through what dealings with power does he become contaminated? The problems are clearly not new. The authors of the Pennefather and Fyffe reports had to face the same problems, and we still face them today. These problems are becoming that much more acute since the Armed Forces were never subjected to such close scrutiny by the media and the Canadian public. However, this is a universal phenomenon and Canadians would be wrong to think that their situation is unique in the world. The problem will continue because the armed forces remain expensive, and sooner or later questions will arise about their true meaning in a democracy. For now, let us just recall, quoting Allan R. Millett, the underlying principles that he thought necessary for maintaining the primacy of the civilian arm over the military:

- the armed forces must not dominate government or try to impose their unique values upon civilian institutions and organizations;
- the armed forces should not have independent access to resources of military utility;
- the armed forces' policies on retirement, pay, education, training, treatment, promotion, and use of personnel must not be inconsistent with basic civil liberties and individual rights, except for the infrequent cases that involve military discipline and combat effectiveness;
- the use of military force is not determined by the values of the military institution itself, either for or against the use of force, either in the conduct of foreign or domestic policies. Conversely, civilian decisions on the use of force should not disregard the relationship of policy ends and military institutional characteristics in terms of personnel, doctrine, training, equipment, and morale.

These principles comply fully with Canadian and U.S. laws and to the provisions of the military code or policies prevailing in both countries. However, there are still many conflicts to be settled between the two "meritocracies" constituted by the civilian and military powers. The context has changed, history has changed, and politics has changed. Politicians are largely ignorant of military matters, and the military's ignorance of politics is just as deplorable. In what Dunlap calls "postmodern militarism", he mentions that the military are not in the least troubled by the authoritarian society in which they live. On the contrary, they cherish the harmony it provides, while neither admiring nor wanting the no-holds barred individualism that civilian society enjoys. Dunlap concludes that, as a result, the military's commitment to the democratic political process "is extant but abstract". The solution to these problems is not to further separate these two meritocracies--that of the civilians, founded on education and knowledge, and the military one, based on experience and military bravery--but rather to unite them to a greater extent.

We believe that it would be difficult, given the current state of affairs, to accept a need to return to the old system as regards the administration of the Armed Forces.

Reading some statements that are being made here, there and everywhere, more specifically by the military associations, including the powerful Conference of Defence Associations in Ottawa, one has the impression that we are reliving to some extent in Canada what the United States went through in the early sixties. Our elite would be well advised to read the highly relevant remarks of the former Secretary for Analysis Systems of the U.S. Department of Defence, Mr. Alain C. Enthoven. We see here three important arguments. The first one is that there is no military science or political science that would enable one set of people rather than the other to own the truth. They are both absolutely indispensable to each other. The graduates of the major military universities cannot define any more than the civilians what should be the ideal composition of the military force structure in order to meet foreign policy objectives, because there are no immutable military laws or science that could answer those questions. The second argument is that each side is anchored into its past. Don't ask an Admiral, an Air or Land Force general how to do it, because the answer will invariably be the same: give us ships, aircraft or tanks, and we will take care of the rest. The explanation here is related primarily to the fact that the career military think in terms of "performance" rather than in terms of a wise balance of military, economic and diplomatic means required to achieve a political objective. In short, they are concerned with the means rather than the political ends of an operation. The third argument is based on a simple truism: in matters of planning and strategy, both elements are indispensable. In goes without saying that the great strategic thinkers were civilians, Brodie, Kissinger, Kahn, Huntington, Hammond and Schelling, to name but a few. Dissociating the two civilian and military functions within NDHQ would merely exacerbate the tensions between the two communities, civilian and military. The senior military officials must also accept reality: Whether they like it or not, they are and must be part of the top civilian decision-making apparatus. Civilians and the military must therefore work hand in hand because any other formula would require civilians to constantly act as a referee between the three Services, between the Services and politics, and between the Services and the regions of this country, already in pretty poor shape.

We do not believe that separation of the DND staff would be a reasonable solution, for three reasons: the administrative requirements of the civilian arm (homogenization and administration of the federal Acts to which DND is subject) apply to all strata of military society, the training of military personnel is not designed to solve these problems, and a new separation of the administration would merely restate at the ministerial level the issues of coordination between the civilian and military arms, the sole effect of which would be to hugely increase the burden of ministerial tasks.

**Recommendation 4: We insist on maintenance of the present DND structure, while wishing to see certain changes in the roles of the Chief of the Defence Staff and in the command structure. Other recommendations follow.**

We are fully aware that this solution does not settle the potential interpretation conflicts between the political and military arms. The Chief of the Defence Staff is the government's main military advisor, but for the last thirty years he has been accused of being contaminated by the political branch. Does the concept of unique ministerial accountability which implies that the Minister is accountable to Parliament for everything that happens in his department meet the needs of modern society? It is not our intent to turn DND into a special department, nor to alter the concept of ministerial responsibility.

Our wish is to see the Chief of the Defence Staff, the Deputy Minister and the Minister speak with a single voice and be jointly responsible for the entire set of defence policies. Ideally, it could be suggested that the CDS should submit an annual report to Parliament, but such a formula would merely rekindle the debate between those responsible for a policy and those responsible for implementing it. It nevertheless remains that the House information and follow-up functions are insufficient. That is why we are proposing:

**Recommendation 5: That a brief report by the Minister be submitted to Parliament simultaneously with the National Defence Expenditures Budget. The purpose of that annual report would be to specify by what means and how government objectives can be reached, and by what means and how it should be possible to correct in the long run situations that might seem deficient in the short term, and in what way these objectives cannot be reached, if that is the case.**

Dan Mainguy emphasizes that in the heat of the Pennefather reform mentioned earlier, the Chief of the Defence Staff and the Deputy Minister "agreed to handle any differences in their positions strictly between themselves, and that they will always present a common position to the rest of NDHQ and to the public". This situation could cause perpetual misunderstandings, but it can only be settled on the basis of full discussions between the CDS, the Deputy Minister, and eventually the Minister. Any other procedure would merely revive the conflict between the civilian and military hierarchies. The Chief of the Defence Staff is thus the arbiter of conflicts between the three Services, he is the sole mouthpiece of the Armed Forces to the Deputy Minister or Minister. The Deputy Minister is responsible for the administration and management of the Department of National Defence, and it is up to the Minister of Defence to referee conflicts within that two-headed structure, should they occur.

The purpose of this last proposal is to further clarify the process for implementing Canadian defence policy. In addition, this would prevent a situation where the objectives stated in the policy but impossible to achieve would endure in people's mind. Finally, it would be highly desirable for the Defence Budget and the Minister's short annual report - whether or not incorporated to the Defence Budget, or presented as a separate document - not only be submitted to the House Standing Committee, but also simultaneously to the Public Accounts Committee of the House, in order to better check the concordance between the policy formulated by the government and its implementation. It would also be of the greatest importance for the Minister to attend the meetings of those Committees, and that this responsibility not be delegated to his Deputy Minister.

On the other hand, this last proposition does not answer the criticism levelled at the "over-administration" or excessive bureaucratization of the Canadian Armed Forces. The move to Ottawa of the commanders of the operational commands could exacerbate the problem rather than mitigating it. To

date, only the commander of Land Force Command has settled in at Headquarters, and major changes have occurred since. Very few decisions concerning the Land Forces are now taken without consulting them. The impending arrival of the other two Air and Sea Commanders is likely to also improve greatly the consultation process between the "operational" and the "management planning" arms.

However, this trend is wrongly said to run counter against the principles of greater decentralization in the management of the Forces. Canadians have lost faith or simply no longer like centralized systems. When things go wrong, people always denounce decentralization, and the most natural impulse is to clamour for massive decentralization, based on the principle that no one is ever better served than by oneself. In Europe, the talk is of the "subsidiarity principle": why delegate to a community responsibility that which can be better done at the regional level, where the groups and individuals are most directly affected? In reality, it is for reasons of economy that the operational Commanders had been or are being moved to Ottawa, and this can only worsen the imbalance between the sharp or combat end and the administrative infrastructure, muddling even more the administrative and command responsibility areas.

In order to avoid any confusion between the chains of command and the administrative responsibilities within DND:

**Recommendation 6: That the chain of command be direct, clear and precise: the operational commanders take their orders from the Chief of the Defence Staff through the Deputy Chief of the Defence Staff, not through the commanders of the Commands.**

We admit that the picture that this proposition might lead to is that the commanders of the Commands are thus transformed into mere "decorative vases". However, nothing is further from the truth, since they will continue to watch over the administration of the Armed Forces, general planning issues, and control over personnel training. In order to facilitate the task of the operational commands, that part of the Command commanders' staff that is connected with the mission orders should be repatriated to the Command structure. In addition, the recent orientation towards base and structure amalgamation should continue along the lines of greater decentralization, together with rationalization of the command structures by regional area.

**Recommendation 7: That the command structures by regional area be amalgamated on the basis of an inter-service Command, each service continuing to be responsible for the command of its unit(s) within that amalgamated structure. Responsibility for the regional command would belong to the element that is dominant within the regional command.**

We leave it up to the government to decide how many regional areas will have to be established, and what structures of the various services will be integrated within the area command. Thus, the facilities at Gagetown, Bagotville, Montreal as well as the Quebec City Naval Reserve should be gathered together in a single regional command structure. The links in the chain of command should all go up to the Deputy Chief of the Defence Staff, and from there to the Chief of the Defence Staff. In order to properly distinguish the command and management responsibilities, the Staff should complete what it has already begun by setting up an integrated joint staff (J-Staff or Joint Staff). This should be placed under the responsibility of the CDS as regards command, and it must cooperate closely with the commanders of the Commands as regards management and administration problems. In other words, the executive chain of command must be kept separate from the other administrative functions and the planning tasks assigned to three star-generals (the commanders of the Commands). Such a formula obviously weakens the functions of the Deputy Chief of the Defence Staff. Since the return of the Command commanders to Ottawa, his functions are becoming less important and his status could simply be transformed into the

position of executive assistant to the Chief of the Defence Staff. Even in the United States, the assistant to the CJCS (Chairman, Joint Chiefs of Staff) is a three-star officer. We believe that there are several reasons justifying this evolution. The first one, and the most obvious, is that the mission of the armed forces is changing. Increasingly, the three services will have to cooperate with each other in order to ensure the sovereignty of Canadian territory. Secondly, certain aspects of this policy are already in effect. Finally, such a rearrangement should be able to save costs at least through the reduction in staff positions, and perhaps in the leasing of administrative buildings (for example, all Defence staff elements scattered throughout twenty or so buildings will be housed in only four buildings).

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# Part Two

## Canadian Society and the Canadian Armed Forces

The crisis that the Canadian Armed Forces are facing is not specific to those Forces. In fact, Canadian society as a whole faces a crisis. And to put it bluntly, democracy is in crisis.

### 3 - Democracy and Ethics

Democracy must deal with three simultaneous crises: the telescoping of the infinitely small and of the infinitely large, the rebirth of the notions of values and ethics, and the economic and military context that depersonalizes and demotivates the individual, whereas the State should guarantee him a context favourable to his development.

#### a) How should one reconcile the individual and society?

The absence of a social project, the impossibility of settling our constitutional problem, the meltdown of the parliamentary system, the weakness of the executive, the divisions in the military, the national debt and a tax base that is shrinking are all factors which plunge Canada into an unprecedented crisis. Governments are becoming frayed due to the multitude of actors, of legitimate players and claims that are assailing them from every direction. Also, because the forces of production and the economy in general are escaping from their control. The sovereignty of the State is undermined at the top through the regulatory powers of major international economic organizations, at the bottom by the administrative decentralization imposed by technology and the search for solutions to regional problems, and laterally by the major transnational forces that are the non-governmental organizations or humanitarian pressure groups. Are we witnessing the disappearance of the State?

It is paradoxical to note that democracy is fraying within while it is triumphant just about everywhere against the forces of communism and authoritarianism. What makes it difficult to manage is its natural tendency to celebrate diversity, pluralism, singularity, social fragmentation and permissive otherness, thereby scrapping Rousseau's old social contract and rendering more painful any reasonable accommodation of the moral conflicts within our society, at the expense of a socialising whole founded on a reasonably superior, mobilizing principle. Political liberalism is looking for a new way. In other words, how can we connect into a unified and significant whole, the infinitely small, i.e. the citizen, with the infinitely large, the State? What is the common denominator whereby each and everyone can continue to live within a whole that can be called democratic, while society is running to plurality and the sovereignty of the State is being diluted on every side?

Since each citizen has freedom of choice or, to use a more neutral term, since every citizen has his autonomy, it is up to the citizen to choose his way, according to his merit and competence in the tradition of Plato's Republic. The State therefore does not have to choose between the various conceptions of the public good that constitute the very intersubjectivity of a pluralistic liberal society. This is the principle of "constitutional neutrality". But beyond this constitutional neutrality, some people are clamouring for an "ethical liberal" governance, a "perfectionist society", an "inclusive liberalism" where the State, without intervening directly, would promote a reasonably accepted conception of good. But how can one provide guidelines or confer substantive meaning to political liberalism without thereby

running counter to the principle of constitutional neutrality? Can one abide without encroaching upon the intersubjective relativism of individual free choice?

The philosophical and legal debate on this point, although quite lively, is still circular, for how should one define the notion of "reasonable superior good" or "public reason" while ignoring the pluralist social context from which the realities emerge? There is no political debate on liberalism that does not involve at the outset a form of commitment or ethical assumptions. This is true both for the "majority rule" and the process that underlies the democratic debate that is supposed to lead to a democratic decision. It is the German political philosopher Jürgen Habermas who went furthest in this matter. He demands a "substantive, ethical procedural democracy" based on the rational nature of communicational debate from which a consensus can emerge. Resolving the contradictions involved in a democratic decision begins as soon as one asks for "argumentation to examine the universalizable nature of interests instead of giving up when faced with the apparently impenetrable pluralism of the ultimate values (or of the acts of faith or attitudes)".

Using the notion of accountability, the administrativists reconcile in part the philosophical theoretical debate and the practice. Thus, any political action is subject to a process defined by rules, it can be debated within a process of enlightened deliberations and evaluated retrospectively. According to Charles Lindblom and David Braybrooke, democracy is a public system that can be remedied; it follows a process marked by temporal stages, and it is exploratory (remedial, serial and exploratory). Contrary to what French General Pierre M. Gallois once wrote, democracy cannot be compared to a clock to be wound up every four or five years. It is a living, adaptable social process that is capable of improvement. What criteria should one use to analyze that improvement? In an article that I do not recommend anyone to read, I have already suggested that democracy depends on a harmonious set of relationships between the political parties, the government, the media, public opinion and the pressure groups. Each actor has, within democracy, an independent place, and it is only in the light of these imbricated interrelations where each one respects the other, that one can truly speak of democracy.

It is true that a strict definition tends to limit public review of policies through "the exercise of the deliberative opportunities provided under the so-called procedural rules of its public life". A broad definition of democracy should take into account many other actors in addition to Parliament, such as the media, advocacy groups, political parties and non-government groups. Or else match the more global definition of Habermas' discursive logic, for otherwise, the diversity of pluralism and legitimacy might lead to the obligation to sacrifice either democracy, or justice.

#### b) The rebirth of ethics

Capitalism or the market economy has triumphed as the least evil among political systems, due to the supremacy of reason held to be a universal value. The malaise of our society is due to the depersonalization of the individual within economic systems and organizations or institutions where the laws of reason, restructuring and reengineering overrule - in the name of performance - the traditional values such as honour, prestige, loyalty and leadership. Under those conditions, we are witnessing an unprecedented rebirth of ethical values in order to instill meaning into the society where we live. Eugène Enriquez, from the Laboratoire de changement social de Paris (Paris Laboratory for Social Change), is right in stating that:

The term *ethics*, once the preserve of pure philosophy [...] has fully entered the language and practice of modern organizations and institutions. The inflationary use of this concept may be seen at first as somewhat faddish. However, [...] this school of thought [is] the sign of the deep malaise of our Western

societies and [...] an attempt at treatment [...] to change the symptom into a sign of cure.

We only wish to retain here the three types of ethics that seem most important to us. The first one is the "conviction ethic" that Kant was undoubtedly the first to properly develop. This ethic is not subject to any concession because no price can be put on conviction, it is a philosophy of "all or nothing" or of "in" or "out". Like certain conscientious objectors, Gandhi with his principle of non-violence is part of that category. In Canada, at the beginning of the sixties, two politicians clashed sharply due to profoundly different political convictions. They were the Minister of National Defence, Douglas Harkness and External Affairs Minister, Howard Green, with the former interested in nuclear weapons while the latter refused to even talk about it. They both spent months trying to trip each other up, and Prime Minister Diefenbaker was unable to resolve the issue. This would end up being the first Canadian government to fall on account of a defence issue. People like that choose their direction and never stray from it. Enriquez stresses that the problem with such people is that one can "expect from a man of conviction both the best and the worst".

The second type is the "responsibility ethic", developed by Max Weber, who stated one year before his death in 1919, in *The scientist and the politician*, that "no ethic in the world, either, can say at what point and to what extent a morally good end justifies morally dangerous means and consequences". An individual driven by the responsibility ethic would hold that "the consequences are ascribable to his own actions, inasmuch as he would have been able to foresee them". The difficulty with this definition, which Sutherland dealt with so outstandingly in his article *Dirty Hands in Politics*, is that each individual is subjected to diverse responsibilities, aside from any search for culpability, and that one must often compromise between the responsibilities one takes on and those that one rejects. Enriquez concludes that it was always the case that some individuals caused, for example, "their social or psychic responsibility to prevail over the organizational responsibility". A responsible person is thus basically a "politician" aware that "the best is the enemy of the good" and who takes into account the context in order to make decisions acceptable by the largest number. This type of responsibility is peculiar to world politics because the environment and the foreseeable consequences of an act can hardly be anticipated, in view of the indetermination of history.

For example, in order to quickly end World War II and save human lives, the United States used the atomic bomb over Hiroshima. Eighty thousand innocent lives were sacrificed in order to achieve a morally good end. Nevertheless, no one has thought yet of trying to indict the United States for genocide or crimes against humanity. Moreover, things would likely have been completely different if Japan and Germany had won the war, which says a great deal about international law, about the responsibility ethic, and about "politics". The responsibility ethic based on foreseeable results works well in a democracy when the negative consequences are directed inward, i.e. the government's responsibility towards the people; but rather poorly when things are aimed outward, i.e. towards the other party, usually a State. Sutherland provides an interesting example. Can Churchill be held responsible for having sacrificed hundreds of lives when the Germans bombed Coventry in 1940, when he knew (or perhaps he didn't), through his code-breakers, that the raid was going to occur? By revealing to the Germans that their communication code had been intercepted, would he not have deprived England of major long-term advantages, like that of protecting still more human lives? And would the Germans not have changed their codes overnight in that case?

Churchill's ministerial responsibility would have been committed anyway, according to Sutherland, if he had failed in his duty to consult his other colleagues or if he had acted deliberately so as to stay out of the loop of information. And we enter here the third type of ethic, Habermas' ethic, the "discussion ethic" or "deliberative ethic", defined by Habermas as follows: "One may call "rational" the will formed

discursively because the formal properties of discussion and of a deliberation situation sufficiently guarantee that a consensus can only arise around universalizable interests and [...] interests that are shared by communication. Returning to the example of Churchill, it is not certain here that the decision not to alert his citizens about a likely raid, made on a collective basis at a Cabinet meeting, would have changed anything substantive in the decision (not to inform the citizens), but the principles of the discursive ethic would have been protected, and only history and its specific twists and turns, would probably had been able to decide, under these conditions, the issue of the moral responsibility of the action taken. The discursive ethic is therefore both procedural, inasmuch as the communicational discussion must be based on the others' altruism, and substantivistic, because it bows to the higher reason that should lead to universal or inclusive principles.

These three ethics imply "the courage of one's convictions, the progression of structures and humankind within the responsibility ethic, autonomy and recognition of altruism within the discussion ethic". They raise specific issues, each in their own way. The first one remains based on inner convictions, the second one on the consequences of the action undertaken and for which one can be held responsible inasmuch as they were predictable, and the third one on maximum consultation according to democratic rules, respecting the interest a majority believes to be reasonably superior.

#### c) Economic and Military Environment : The Crisis of Ethics

Responsibility issues are difficult to solve, in spite of the efforts made by theoretical scientists, in the field of defence and foreign policy. Should one trade with a country that does not respect individual rights? Should one enter into alliances, or on the contrary, opt for neutrality in military matters? Can one reasonably spend billions of dollars on defence while other urgent social priorities stare the government in the face?

As regards human rights, the three ethics are not far apart. It is morally repugnant to deal with a government that does not respect human rights and all political authorities are convinced of this (conviction ethic). However, it is the moral duty of the State to ensure the economic development of the State, and it is also morally irresponsible not to defend its jobs or to protect its industries (responsibility ethic). It is also morally justified, within the logic of discursive ethic, to give up such transactions if the majority so demands. Where, then, does the State's responsibility lie? Inevitably, the problem shifts. It is the duty of a State to inform its citizens that if a given policy is chosen, its jobs will disappear and its living standard will suffer. And perhaps even to what extent and in what ratio, some would say, if one wants to comply with the principle of anticipating the expected results? When the public will be aware of all these facts, democracy will be able to choose. Discursive ethic may only triumph if the other two ethics are complied with.

In foreign policy, the three ethics have also clashed dramatically. During the Cold War, Canada took part in military alliances because it saw this as the most reasonable way to protect its sovereignty and to participate in the stability of the international system (conviction ethic or higher *raison d'Etat*). The discounted anticipation of nuclear war was always taken into account, nuclear war being more unlikely with a nuclear deterrent than without nuclear weapons (responsibility ethic). Finally, in spite of its intermittent pacifist protests, the population preferred to trust its government rather than calling it to account on a matter that sustained people's fears and anxieties (discursive ethic).

During this post-Cold War period, a number of problems continue to exist. The government must choose between various social priorities and continue ensuring the security of its citizens against new threats (drugs, illegal immigration, terrorist attacks) and protect its citizens' values and economic well-

being (responsibility ethic). At the same time, no one knows when a new conflict might occur; combat-ready troops must therefore continue to be maintained (responsibility ethic). Moreover, people are entitled to discuss freely and democratically the social or systemic priorities the government should set for itself (discursive ethic).

In the recent past, it was customary to have an army to defend democratic values and the national interests. According to Samuel Huntington, only the national interest justifies sending soldiers abroad to die on behalf of the nation. Today, soldiers are being sent to many places for humanitarian reasons, to rebuild societies or to reestablish their democratic foundations (conviction ethic). However, it is the duty of the State to protect its soldiers abroad and not to expose them to humiliation, to being dragged in chains or sniped at by armed factions (responsibility ethic). It is therefore not surprising our soldiers prefer doing peacekeeping missions within IFOR (Implementation Force, or Dayton Peace Accord Implementation Force) rather than UN missions where the mandates are often ill-defined, the risk is higher, and protection meaningless when the parties do not respect the cease fire or when peacekeepers are taken hostage. Is this the kind of situation the Canadian people want to approve (discursive ethic)? It is the duty of the State to protect its soldiers when they serve abroad and to equip them accordingly (responsibility ethic).

Once the government is convinced that it is justified or not to acquire weapon systems, whether armoured vehicles or submarines (conviction ethic in the field of security), it must decide to live with the consequences of its choices, such as, for instance, an ecological disaster under the Arctic ice between two foreign submarines (responsibility ethic). If the government decides not to acquire such weapon systems, it must also explain its choices to the population and accept full responsibility for them. The discursive ethic would then come into play, i.e. excusing or - on the contrary - blaming the government for its choices.

Many people would like to simplify these problems, move on to make quick decisions and cut back sharply the expenditures of the State, particularly for our Armed Forces. However, any defence policy requires investment over ten or twenty years, sometimes more. Political responsibility also extends to the past. A government is responsible for the past, now and tomorrow. There is no point in dealing here with the historical quarrels that tore apart France as to the responsibility of the political leaders during the Vichy government, or Germany's responsibility for the genocide of the Jewish people. To be responsible "is to assume the debts (and credits) of past generations in order to avoid repeating a cycle that could only be harmful to future generations."

In the final analysis, the question is: who is democracy accountable to? To itself, i.e. to its citizens, relying on the ethic of individuals' pluralistic convictions, or to the entire planet, as claimed by ecologists, non-government organizations, and many transnational movements. Without wishing to engage in this philosophical debate, we would like to note that democracy is always founded on the principle of the citizens' mandatory belonging from the day of their birth, unless they are stateless. One is therefore born with State qualities and attributes, and the State, although nowadays contested, still constitutes the only mobilizing factor within which democracy can ensconce itself. Reconciling the infinitely small and the infinitely large remains on the agenda, much like, in physics, "the universal theory" that could explain the links between the atom and the infinite universe. Was man created in God's or democracy's image?

## 4 - The Armed Forces and Canadian Society

### a) Canadian Society

Canadian history is full of paradoxes. Canada has no tradition of military intervention; on the contrary, its history is rather antimilitaristic. Nevertheless, this country intervened twice in its history to help defend Great Britain and Europe in their war against the forces of fascism and nazism. The Liberal Party is considered antimilitaristic, and more particularly former Prime Minister Trudeau, who was never really interested in military matters, much like MacKenzie King in his time. However, it was under Liberal governance that investment expenditures for the acquisition of military material were highest, not under Conservative governments that are nevertheless perceived as being close to big business. The Canadian people "historically have scorned their military as brutal, licentious soldiers - except in wartime". Military historian Jack L. Granatstein reminds us of this: "it was ever thus."

Peacekeeping missions remain popular and Canadians have participated in all UN operations since 1990. In September 1996, 2030 military personnel participated in seven UN operations then underway. Since 1950, the Canadian Forces have lost 102 soldiers in the service of peace. They continue to serve in ex-Yugoslavia, and in Haiti, and a mission will soon be deployed in Guatemala. The scandals revealed by the Commission of Inquiry on Somalia have cast a shadow on the reputation of the military, but Canada as a whole likes its armed forces, and the Minister of External Affairs has made the military a favourite instrument for his multilateral diplomacy. Nevertheless, in spite of the remarkable job done by the military, none of them has been honoured yet. Furthermore, the pace of combat unit rotation creates an unacceptable stress for the wives of the military, some of whom have been separated from their spouses on an intermittent but lengthy basis for five years. The incidence of divorce is increasing, but society seems insensitive to the huge efforts demanded of our soldiers in the name of justice abroad, and has no consideration for those who come back wounded or who will never come back.

Regarding the alliances to which Canada is a party, one Canadian out of four can name NATO and one out of eight NORAD (North American Aerospace Defence). Seven Canadians out of ten are unfamiliar with either one of these alliances, while one out of ten is aware of the fact that Canada is a member of NORAD. In Quebec, four Quebecers out of ten know that Canada is involved in United Nations Operations, and the degree of awareness tends to increase with the individual's income. In Quebec, only one person out of ten has a favourable opinion of the Canadian Armed Forces, and less than one-third of Quebecers favour renewal of the Armed Forces' equipment, which indicates perhaps a high degree of indifference, ignorance or antimilitarism, because in the rest of Canada, 40 per cent of the people believe that the Canadian Forces are well equipped and 32 per cent that they are not very well equipped. Regardless of the reasons claimed to explain this phenomenon, a profound gap clearly exists between society and the Armed Forces, in Quebec at any rate. The most promising hypothesis is perhaps Quebecers' pacifism, as they are not very given to enthusiasm for warlike causes, being close to their land and daily living. Perhaps this also explains why the nationalist cause never led to violence.

In Canada, a little over three million criminal offences were committed during 1994, i.e. approximately one offence per ten citizens inasmuch as Canada's population is estimated at twenty-nine million. For the Armed Forces, we only have statistics for the number of investigations carried out by the Military Police (MPIR - Military Police Investigation Report), and one investigation may give rise to several reports. In 1995, there were 3,825 criminal investigations for a population of approximately 65,000 military members, i.e. a ratio of nearly six per cent. Military society thus appears in better shape than civilian society. Moreover, the breakdown of offences for the three Services yields the following results: Air Force (448); Navy (475); and Land Force (968). These numbers distributed according to the strength of the three services yield the following ratios: Air Force (448/22,763), i.e. 1.9%; Navy (475/11,220), i.e. 4.2%, and Land Force (968/27,560), i.e. 3.5%. Therefore, it does not appear that the Land Force, subjected to close scrutiny by the Board of Inquiry, is more delinquent than the Navy. On the other hand,

it is less virtuous than the Air Force. Moreover, if the matrimonial status is an indicator of family stability or its conservative effect in our society, then the Armed force are faring better than civilian society. The Regular Forces at 31 December 1996 thus amounted to 61,640 people. Of that number, 63 per cent were married, 24 per cent single, 2.3 per cent divorced and 3 per cent separated.

The break between civilian society and the Armed Forces thus seems due to a multitude of causes, the most obvious being undoubtedly the stilted perception of reality on either side, and a profound asymmetry between a military body unable to defend itself or to restore the facts, and the powerful, self-assured media, as well as to the instinctive mistrust of the media regarding matters military. Beyond any doubt, the media remain "the eyes and ears" of the public and constitute the soundest rampart against abuses of power or abuses by the government. Often defined as the "Fourth Estate", they control - in spite of themselves - the political agenda of governments through the way and manner in which they treat information. The agenda of the medias is often the instantaneous news that sells well, i.e. the sensational rather than the essential. The government's agenda is long-term, and sometimes short-term when an election campaign is underway. Governments that govern based on "public opinion" may become completely cynical or, on the contrary, responsible, when they are able to explain and justify their decision. On the other hand, the political branch does not hesitate to flood the media with information that is often irrelevant or excruciatingly boring even to the most attentive reader. Whether we like it or not, in this age of electronics and global communication, the media remain the safest guarantor of democratic values, in spite of their weaknesses and their natural tendency to try to scoop at any cost the news "fit to print" or just any news.

The image presented by the media is that of a routed army, an army that lacks leadership -- and the military are partly responsible for this false problem, as we shall see later, of an immoral, often drunken army made up of people of little virtue. However, statistics show the opposite; the problems we are analyzing are more complex than claimed by the media and true in-depth analysis is rare. The media take aim at all the professions -- pharmacists, the Medical Association, psychologists, industry, universities -- and it is a good thing that they do. The military as such do not constitute a separate caste. However, relations between the media and the Armed Forces are asymmetrical. The latter never had the poor taste of expressing themselves through "the muzzle of their canons", except during a rare insurrection in Quebec in 1837. It is ironic that the Armed Forces defend themselves poorly and do not always know how to present things in a way that is understandable for a government, an administrator or an informed public. And when they do so, they often embroil themselves in issues that should pertain to politicians and not to them, for instance a naval commander who had to defend government policy when a U.S. submarine went through Dixon Strait in 1991. The "political arm" must assume responsibility for its actions, and the military is responsible for the way in which policy is translated into military facts. The military are not accountable to the press, but to a Chief of the Defence Staff, who is accountable to a Minister, who is in turn accountable to Parliament. In reality, and we shall come back to this, the government will have to decide some day whether it wants educated Armed Forces, capable of presenting their interests in a language that is not totally obsolete or anchored in the past, as if the world had not changed since 1945, not to mention since the end of the Cold War.

The danger in the present situation is that the Armed Forces feel betrayed and abandoned, or undergo "ghettoisation", thus stressing the break between themselves and civilian society. The anger of the Chairman of the Western (Pacific) section of the Defence Associations National Network, Vice-Admiral Nigel Brodeur, fuses through his remarks about the media: "enough is enough". Thus, he attacks the Globe & Mail, accusing it of using a "rule of terror" to qualify the activities of the Land Forces in recent years. He targets the major media, such as the Canadian Broadcasting Corporation, The Ottawa Citizen, the Sun Group, Macleans, that "denounce instead of informing" and that tend to be aimed at "a small

bunch of discontented ex-military" rather than to the officers currently serving or other retired members of the Forces, all of this in order to set the record straight. He goes so far as to demand that the powers of the ombudsman be strengthened in order to protect the Armed Forces against the abuses of the Fourth Estate. On one point, Rear Admirable Brodeur is right: if the Armed Forces bear the blame for certain blemishes, one must also acknowledge the merit of their courage through a multitude of peacekeeping operations, where some of their members died and others carried out humanitarian or just plain altruistic actions. According to Rear Admiral Brodeur, accountability is no longer one-way. Dan Mainguy, editor of the National Network News, supports this: "It is bizarre that the failures of a leadership which is accused of being civilianized and politicized, seem to be in the largely civilian political areas of public affairs rather than in any question about their military ability". This statement is debatable but it does reflect the general state of things.

#### b) Defence Policies and the Role of the Armed Forces in a Democracy

The end of the Cold War is upon US but the Armed Forces have not changed at all. They have the same equipment, carry out the same missions and are probably looking for new ones, if only to survive within a climate of general economic distress. The natural tendency after any war is to bring "the boys" back home, to demobilize and to rebuild the civilian economies ravaged by war. The Cold War preserved US from economic devastation, but no one can predict when a new conflict will occur, nor the continent where it will strike. A pacifist, democratic country *par excellence*, Canada fought bravely together with its Allies during World War I and II, where it fielded 425,000 and almost 800,000 people, respectively. In the fifties, the Canadian Forces reached a peak of 162,000, later decreasing gradually to the level we know today, i.e. approximately 61,500 people, the objective being to increase the Reserve to 30,000 people.

Among the main documents published since 1990 on the issue of Canada's defence policy review, two are unusual in view of the collective nature of the resources involved in their preparation. These are the Canada 21 and Committee of 13 studies. The tone of the two reports is quite different but the conclusions are not at loggerheads. The former insists on the novel concept of cooperative security, on the new threats emerging on the horizon, such as pollution, environmental degradation and the fight against drugs, as well as the overriding necessity of restoring a strong economy in order to ensure the well-being of the population. The second study emphasizes the definition of the minimum capabilities Canada must retain in order to have operational combat forces in all three Services. Overall, the two studies present approximately similar quantitative conclusions, with the sole difference that Canada 21 maintains that the country no longer has to engage in high-intensity operations, especially as regards the Land Forces.

Everything considered, we believe it is important to emphasize two or three points. History has always surprised US, and will continue to surprise US, writes Colin S. Gray. Basic prudence, which should guide government action, obviously requires not to throw everything overboard and to retain a mobilization capability upon which one can build in case of war, as well as certain vital specialties - such as submariners. Incidentally, Canada is not a world power and there is little likelihood, over the next ten or fifteen years, of a major war between the great powers of the world, which have become largely non-expansionist and conservative. However, Canada has the United States as its neighbour and the most immediate criterion it must bear in mind, in addition to maintaining the means to protect its sovereignty and territorial integrity, is knowing how far it can go without becoming an "insecurity" risk for the United States. The US is still the greatest sea and air power in the world today. It must control access to the seas and have mastery of the air. If we do not do this sufficiently along our coasts and in our space, the US will take care of it. The issue inevitably shifts: is this the type of situation to which Canada wants

to expose itself when it is just as likely that over the next twenty years, 95 per cent of our foreign trade will be with the United States? Moreover, are there not specific fields where the two parties must cooperate? Finally, the Somalia events demonstrate that major reforms are required, particularly in the Land Forces. Before moving on to this third aspect, we deem useful to summarize in the form of two recommendations the factors we emphasized on the previous pages.

**Recommendation 8: In order to prevent the unacceptable level of stress in military families, we recommend that the duration of missions abroad of our military contingents on peacekeeping operations be reduced from 6 to 4 months, similarly to British and French practice.**

**Recommendation 9: Regardless of the choices that the Canadian government will make with respect to equipment, it should do everything possible to maintain a minimum specialization capability within the specific field of submariners.**

The situation of the Navy and the Air Force does not appear to cause immediate problems for the future of Canadian defence. Due to the Cold War, we acquired particularly sophisticated equipment for these two environments, and nobody advocates sinking our ships or destroying our aircraft because the Cold War is over. In this matter, our policy is unfortunately determined by the equipment we have available. However, things are different with the Land Forces, and important choices must be made with prudence because the Land Forces are always those that suffer the most when the time comes to demobilize or cut budgets.

If Canada had been prepared to assume the cost involved, it could have chosen among three quite different land force models. The first would have consisted of acquiring an army with a great deal of power to project abroad, supported by a sea and air strategic transport capability, and equipped with its own air power to support its ground operations. We never really thought about it seriously, since our troops were mostly stationed abroad, which obviated the need to transport them, and the operations to support the troops on the ground were assumed by the allied air forces. In addition, this role was never taken seriously because Canada does not have a colonial past, and it is hard to see what it might have gained by having such a capability to project its power abroad.

History made Canada decide between the second and third models. The second model matches more or less the role Canada has assumed within NATO: a strategic reserve role, but a reserve capable of armoured breakthrough, accompanied by artillery and infantry to hold territory or to occupy it. All these integrated elements obviously constitute an impressive operational capability, but they are not autonomous without the fire power of aircraft or sufficient air cover to allow troops to advance on the ground. Since these conditions were met within NATO, Canada could rightly think of renewing its fleet of armour and of maintaining at a constant level its other operational units. The advantage of such a formula is that Canada could avail itself of an autonomous army, with great firepower and advanced equipment in order to operate within a hostile land environment. Provided, of course, that its army would not be threatened by enemy air power.

Since the threat of communism has disappeared, Canada has withdrawn the bulk of its troops from Europe, and has chosen, in Canada, to develop the Total Force concept, i.e. an army that can be mobilized in peace time as in war time, due to its reserves, with the two elements slated to operate in integrated fashion once they are brought together. This concept is closer to the nation than a specialized army on the offensive, because it can be deployed defensively, because it has a broader population base, and because it allows more sustained relations to be built between employers and elements of military society. However, it multiplies the costs of an army because the reserve must also be trained and

equipped, often to the detriment of the professional army. The militia must also be provided with a command hierarchy that duplicates the primary hierarchy of the Regular Forces. All of this costs a great deal and the Defence budget is approximately 50 million dollars short of being able to meet these commitments. As a result, the effectiveness of the Regular Forces is often sacrificed in order to meet the requirements of the Militia, and one of the two parties often feels neglected relative to the other. Moreover, so long as legislative measures do not force employers to release their employees for summer training, or to give them their jobs back when they return from service on peacekeeping missions abroad, as is the case in the United States, it is difficult to believe that the concept of Total Force will still have some practical scope after a while.

However, it is just as unlikely that the Canadian government will reconsider its positions, given that each of Canada's two dominant political parties has in turn supported and developed the concept of "Total Force". Moreover, the concept of a professional army equipped with armour seems today outdated for a small or medium power, given the advances in technology and antitank weapons. It seems therefore that the Land Forces must adopt in the future the concept of an army consisting basically of artillerymen and infantry, with tactical mobility provided by helicopters or armoured troop carriers, capable of intervening in medium or low-intensity conflict situations, basically to carry out peacekeeping or humanitarian assistance missions abroad and to support the domestic civilian authorities, including search and rescue operations and action in case of ecological disasters.

However, this view of things does not settle in the least the differences of opinion that exist at all levels of society. There is a major cultural difference between the professional army and the Reserve, between the civilian and military societies, between the political authorities and the military authorities, and within society as a whole as regards the role of the Armed Forces in a democracy. The current budget crisis is obviously not helpful, and the debate basically swirls around three arguments.

The first argument is technical-military. A professional army must have the best equipment possible. In case of war, the first one who runs out of ammunitions will lose. Priority must therefore be given to ensuring the effectiveness of the Regular Force, since the reserves are of no use unless they can get there or unless they can be transported in time. On the contrary, others claim that a mobilization capability is crucial, that wars always happened like that in the past, and that this is the only way to cement a society that is becoming fissured. The first argument thus pits against each other the advocates of a leading-edge technological army and the traditional defenders of the nation-state, who seek to ensure the broadest social basis for their army.

The second argument pits against each other, within civilian society, those who believe that things have changed, that war is no longer socially acceptable, that security relies on cooperation between States instead of resorting to force, and that for all practical purposes the economy has replaced strategy as the basic mode of survival of a society, and on the other hand, those who believe that tomorrow will be yesterday, and that it is impossible to deny all the classical concepts of strategy: ensuring a broad social base for the army, solid firepower, increased mobility and great mobilization capability. Moreover, modern warfare has become depersonalized, everything is done with weapons at a distance, combatants no longer see their enemy, and war will no longer be dependent on men's actions but rather the expression of a boundless technological explosion where whoever has technological superiority wins. Even the electronic simulation exercises show that combatants experience more stress in a simulation than in actual combat! The argument shifts once again, because for all practical purposes, only an army can occupy ground. But who is seriously thinking about occupying ground or grabbing a State? Although this was done in Bosnia-Herzegovina, in Haiti, in Somalia and will continue no doubt to be done tomorrow somewhere else.

The third and last argument pits the civilian authority against the military arm. The extension of civilian control over planning and control of the Armed Forces is said to have caused a debilitating decline within the chain of command and control; the Armed Forces must be given back to those who have proven themselves in the past, letting them organize according to the good old tradition of honour, bravery and discipline. However, the lengthy Cold War period has made the military conceptions and organizations so rigid that major change can only come from the civilians. Although the tasks of and the boundary between the military and the civilians can be better formulated, as we tried to do at the beginning of this study, particularly by demanding greater technical transparency of the Chief of the Defence Staff in his relations with the political arm, such a separation between the technical and administrative responsibilities will not satisfy those who remain basically anchored in the past or who refuse to face reality, with no concern for the deepening schism that is happening between the civilian and military societies.

It seems to US that all these arguments are largely due to different, sometimes fundamentally opposed conviction ethics. If someone's reason cannot triumph over someone else's reason, it is up to the government to make a decision based on a responsibility ethic that clearly defines what is expected of the Armed Forces in a democratic society. This function also implies that the discursive ethic replaces educated consultations, and the few pages we have written on the subject demonstrate that discursive ethic is still being exercised democratically at all levels of society.

There are no magic solutions to the crisis faced by the democracies, and even less so for the crisis that pits civilian society against military society. However, I believe that a few basic remarks are in order. It is not by separating these two societies that we will get satisfactory results. In fact, it is by promoting greater contact, greater discussion and more organic links between those two groups that both sides would be made to lower their guard. Furthermore, if you want to have responsible soldier-citizens, it is of paramount importance that they be given a right to education, that they be trained and made aware of the needs of civilian society. Education is no guarantee of virtue, as we will see below, but it makes it possible to at least have an educated debate within the discursive ethic. Furthermore, it is just as important to give them a career profile adapted to the needs of the society in which they work. We did not have the time to look at the figures regarding the number of soldiers who leave the Armed Forces, but present morale and the current situation are surely not likely to motivate a career choice that the military are entitled to expect from an employer. Finally, the concept of citizen-soldier implies greater transparency, more openness, greater responsibility of the soldier within the society in which he lives.

**Recommendation 10:** That the Government of Canada state the mission of the Land Forces by defining their functions as being basically to guarantee within the country the sovereignty and integrity of its territory and to assist civilian authorities, and abroad to participate in peacekeeping and humanitarian assistance missions, within a low-intensity conflict environment, or medium-intensity if our army is well equipped and supported by reliable allies who can provide it with air cover and potentially close-in protection.

**Recommendation 11:** That the concept of Total Force be maintained, but that it be reviewed in view of our soldiers' need for education and an improved career profile integration within the Armed Forces. These career profiles must be more in line with the needs of the citizen-soldier and with the true management and administration needs of the Armed Forces.

**Recommendation 12:** That the armoured equipment needs of the army be basically focused on tactical mobility, using tracked or wheeled armoured troop carriers equipped with reasonably

**heavy cannon or artillery pieces which would guarantee their security and protection within the framework of their peacekeeping missions.**

c) Difficult Choices

Career profiles, ethics and discipline are issues that pertain to relations between society and the Armed Forces as well as the military-justice system, which is undergoing review. We will deal first with what we believe to be one of the basic weaknesses within the Armed Forces: education and career profiles.

1) Education and Career Profiles

The rapid advances of civilian society as regards educated communication and debate have not been paralleled in the Armed Forces. The education of the officers and troops was focused almost exclusively in the past on purely technical military functions, which certainly favours the operational quality of our troops, but at the same time severely handicaps them in their need to adapt to contemporary society. We need soldiers who are both educated and capable of discernment within an environment where, most of the time, the objective is no longer to conquer or destroy but rather to construct and to participate in building peace. The goal is not to impose one's grand design upon others within the framework of a "civilizing mission" like certain colonial powers tried to do in past centuries, but rather to mix civilian and military functions in operations designed to stabilize politically States that have collapsed or are chaotic. In short, the outlook is no longer for occupying or invading a country but to build its foundations and to restore its political base.

Mentalities are also difficult to alter because the recent changes require a civilian-military effort that the Armed Forces did not face in the past. When a member of the military wanted to do a doctorate, not so long ago, he was asked to leave the forces. And when the Staff allowed him to go, it is because he was not wanted in the Forces or because he was feeling ill at ease there. And if perhaps that member returned to the ranks after completing his degree, there was no career profile whereby he could have been inserted into a position matching his expectations or qualities. Moreover, the tasks required of a soldier today are so demanding of technical training that any other education is often seen by the command as the last of its priorities. Furthermore, the career path is so set within a structure impossible to change that any good member of the Forces, even "wild and woolly" for education, is unable to get credit for courses taken at a civilian university as equivalent training within the framework of his career. This attitude must vanish. We are aware of the fact that the role of military colleges and institutions is to produce soldiers and peacekeepers, but in a democratic system education also constitutes a right. The number of members who leave the Forces on their own or are released from service for reasons other than non-renewal of contract or refusal by them to renew amounted to less than 1 per cent per annum during 1991-1995. It is true that, of that number, nearly 40 per cent had a university degree. In that case, the State will merely have contributed to improving the social capital of the nation.

The level of education in the Armed Forces is particularly lacking within the framework of a democracy that thinks of itself as a model or example within the Western world. In Canada, 53.3 per cent of our officers have a bachelor's degree, and 6.8 per cent a higher university degree (master's degree or doctorate). Our federal members of Parliament are doing better, at least based on the figures we collected for Quebec and Ontario members of Parliament, since two-thirds are holders of a university degree. Thus, out of a total of 174 MPs provided by Quebec and Ontario at the federal level, 7% have a doctorate, 16% a master's degree, and 43% only a complete bachelor's degree. To that number must be added 13% of elected representatives who have taken university courses but without obtaining a degree. One might also look at comparable figures, for example at the level of education of the U.S. military.

Thus, in the United States where the Armed Forces are enamoured of advanced technology, education has not been neglected. Fifty-one per cent of officers have a bachelor's degree, 37% have a master's degree and 2% hold a doctorate. Out of a total of 230,804 officers in the United States, 90% thus have a university degree. In Great Britain, great adjustments occurred since the end of the Cold War, most specifically as regards recruitment policy within the various Services. Thus, in 1995-1996, 86% of young recruits were university graduates, as compared with 49% in 1990-91. That is to say, recruiting requirements are becoming ever stricter, and an educated army is expected to be needed in order to ensure the future.

Moreover, the career path is subject to strict discipline. Officer promotion takes time and occurs within the framework of particularly draconian apprenticeship of combat techniques and tactical planning. Training varies according to the environment and the trade, and it has been continually changing for the last few years, following the fundamental study by Lieutenant-General Richard Evraire at the beginning of the nineties and that effected in 1994 by General Morton. It is not our intent to review this system to a ~~to z, much less to review the Officer Development Programme. Overall, however, the focus is excessively on professional training as opposed to our opening towards the civilian world. Several courses on basic techniques (compass, maps, trigonometry, electrical engineering, etc.) could perfectly well be provided by civilian universities without jeopardizing the operational quality of the troops.~~ Furthermore, there is very little training to prepare officers for civilian-military relation issues, much less for issues pertaining to the cultural specificity of the countries with which they should be roughly familiar when sent on missions in Africa or Latin America.

At the top of the pyramid, and even at the intermediate levels of the pyramid, the problems are just as many. Not always democratic, promotions are based on leadership and strictly military criteria. Moreover, modern changes due to technological advances are poorly integrated from a management viewpoint, and some people find themselves assuming administrative responsibilities without being prepared for them, with the result that they are risking their career if they fail at their tasks. At the very top, promotion is also based on merit, but few senior officers are really prepared for the positions awaiting them. If civilians are sometimes involved administratively in the training issues, it is often because the military hierarchy has not been prepared for this type of function, which should be part and parcel of the military's career plan.

Finally, if we agree that the break between civilian society and military society is deplorable, it would be urgent to create within RMC (Royal Military College) or any other institutional location that the government deems fit a Forum for Higher Learning that will integrate within a one-year training programme both civilian and military senior officers. The objective of such a programme will be to study the broader issues of civilian-military relations in democracies that are incipient or in transition as well as in western democracies.

As regards the education of our officers, the old military principle of unity or concentration of effort should be followed here. Some government centres are scattered throughout the country. We believe that it would be important to bring together the three major institutions crucial to the Land Forces, namely, the Lester B. Pearson Centre for Peacekeeping Training, located in Cornwall, the Canadian Forces College in Toronto as well as the Forum for Higher Learning on civilian-military relations.

**Recommendation 13: That Officer Cadet training time at the military colleges be reduced from 4 to 3 years, while the authorities should agree on provision of equivalent courses at civilian universities for up to 35 or 40 per cent of the content of their training.**

**Recommendation 14: That the Staff study the development of multidisciplinary programmes for its officers, and that an equivalency programme be accepted for courses taken by officers at civilian universities.**

**Recommendation 15: That new military management and administration functions be created in the Forces in order to prepare senior officers for the senior administrative functions that await them within NDHQ.**

**Recommendation 16: That more attention be paid to Reserve and Regular Force officer training programmes in order to improve their integration within civilian-military operations during peacekeeping missions abroad.**

**Recommendation 17: That a Forum for Higher Learning be created in order to introduce senior civilian and military officials to civilian-military relation issues in democracies that are incipient or in transition to democracy, as well as in the western democracies.**

**Recommendation 18: That the Lester B. Pearson Centre, Cornwall, the Canadian Forces College, Toronto, as well as the Forum for Higher Learning on civilian-military relations, the establishment of which we proposed in recommendation 16, be brought together at a single location. This would provide cost savings and ensure greater synergy between the various intellectual resources of this country, in order to provide a better framework for the training of the military. These resources should preferably be brought together under the aegis of RMC, Kingston.**

## 2) Ethics and Leadership

Sullied a thousand-and-one times by the advocates of public enterprise and invoked as a motherhood issue all over the place, leadership is the last hope of those desperately looking for the next-day pill in order to escape the economic crisis, the daily routine, the grayness of society, or in order to throw themselves into the paranoid passion of a different life driven by the utmost passion, feeling, altruism or egoism. Do we need reminding that the great leaders died on the cross, that Churchill was disavowed by his people, that Ghandi and Martin Luther King were assassinated, and that the only ones who went out in a burst of glory are those who have other people's blood on their hands or who built their empires on the backs of their fellow citizens, such as Stalin and Mao Tse-Tung? Clearly, leadership cannot be discussed without raising the issue of ethics, and it is normal that it should be so, because one cannot talk about leadership without talking about professional, organizational and moral responsibility.

According to the theories of social change, there are four major sources of change: evolutionary change within a stable context, leadership with change imposed from the top, revolution from the bottom, and crisis. In military matters, leadership is based on discipline and a centralized hierarchy from which it is difficult to escape. This is a major source of stability within the system, but at the same time it stifles opportunity for change from the grassroots. Given the inertia of the centralized military systems backed up by discipline based on honour and loyalty, most major changes are imposed by the civilians, who are more flexible and capricious because they are elected and they must not only meet short-term priorities but also satisfy the voters who trusted them.

Leadership in industry often consists of restoring economic productivity, regardless of layoffs or the human fallout that might ensue within the firm. Under these conditions, the responsibility ethic favours

economic survival or improved shareholder dividends rather than the employees. Consultation and decentralization, under these conditions, often hide a false discursive ethic because they are merely an alibi for executives who want to administer to others the bitter medicine they hesitate to take themselves.

Big business also has its leaders, often workaholics whose performance comes before basic human values or the respect for others. According to Dr. Sagar Parikh of the Clarke Institute of Psychiatry in Toronto, ten per cent of manic depressives succeed better than other, healthy employees. These results do not differ from those of other psychiatric studies. U.S. psychiatrist Douglas LaBier emphasizes that many employees considered "dysfunctional within the organization due, for instance, to their "lack of motivation", were in fact quite healthy from a psychiatric viewpoint". On the other hand, he adds, "employees perceived as "healthy" within their organization [...] exhibited serious psychological problems, such as a boundless thirst for power and conquest [...] a visceral lack of compassion and empathy, or the pathological desire to humiliate and dominate.

Admittedly, some might not like psychiatrists. Let us then look at more tangible things: empirical research. According to the head of the U.S. Army Research Institute for Social and Behavioural Science, Edgar M. Johnson, experience is not necessarily the best teacher. Others have reached the same conclusion. Thus, he points out that the work of Fred E. Fiedler covering ninety-six groups selected within the three naval forces of the Belgian Navy has shown that officers with eleven years' experience did not do their tasks any better than young recruits with eight weeks' training. Many teachers are not good leaders and conversely, many leaders do not good teachers make, particularly if the skills required are intellectual, mathematical or organizational.

Is it not true that the lack of a significant statistical correlation between experience-based leadership and performance-based leadership is in line with what we see every day and with the teachings of history? After all writes, D. Lutz, Jeanne d'Arc, the Marquis de Lafayette, Alexander the Great and William Pitt all became leaders before they reached 25 years of age. We are not going to get involved here into the countless discussions on whether leadership is an innate or acquired quality, or whether, as Hermann Hesse put it in *Steppenwolf*, the quality should be either inborn or "drilled in".

What is leadership? Is it a "reasoned, deliberate coordination between the heart and the mind"; are these qualities based on moral values "internalized" through each individual's Standards and values, which thereby become a moral authority? Are they instead "values exogenous to the individual", such as altruism and excellence, which can be assessed from the outside, or on the contrary "more systemic values", such as patriotism, loyalty and discipline? The subject is clearly the focus of debate and there are thousands of articles in the data bank of the Toronto Staff College on this subject or within the JSCOPE (Joint Services Conference on Professional Ethics) project.

The assessment of excellence by one's peers is undoubtedly the first condition for proper performance evaluation. In this area, the military are no different from other social categories. They must pass tests, be able to handle weapons and command units in combat, and they may occasionally stand out through bravery in action. The Standards of excellence and quality must also be evaluated with respect to an end. Patients have not benefitted in any way to date from all the ethics debates, for instance about improving health care or on the need to prior patient consent before practising medical experiments on him. What should be the purpose of Standards of excellence, and who or what should they focus on? In this area, the military are a separate category of society. The only operational excellence test of our Forces is war, and no one is really interested in making them undergo the final trial by fire. Only operational effectiveness is therefore mentioned, and the only yardstick available is the performance of our soldiers in joint exercises carried out with our allies. By that measure, our forces always perform well. In 1980,

during the studies undertaken by the Task Force chaired by G. Fyffe, the authors found that there were many problems with the structure of the Armed Forces, but they never doubted the operational capacity of our Forces. Seventeen years later, opinions are divided. Dan Mainguy believes that our forces are still effective, while others claim that they are not. One thing is certain: the letters received from abroad, at any rate, attest to the exceptional quality of our troops' professionalism.

As regards military leadership, it is easier to say what a good leader is not than to attempt to define such a leader's attributes. John Day Douglas, former Dean of the United States Judge Advocate General School, has described very well the professional irresponsibility in matters of ethics and leadership. According to him, five vowels, A-E-I-O-U, are a good mnemonic to sum up his thoughts.

- A = Ambition (the quest for power or "careerism" destroys the personal convictions of any leader)
- E = Emotion (avoid any provocation and maintain a balanced judgement about everything)
- I = Ignorance and Incompetence (the greatest professional mistake one can make)
- O = Overkill (the excess resulting from ambition and emotions, as a result of which one does not know when to stop)
- U = Unethical (the lack of ethics that leads some people to put their personal interests before those of the community they are supposed to serve).

Although these criteria have been defined for the profession of military lawyer, they would not be at all different as regards military responsibility. John Day Douglass goes further, insisting on the dilemma of responsibility within a chain of command for which there is no Nuremberg-type defence (I didn't know, or I was only following orders!). The new Standards of conduct (Model Rules) of the U.S. Army make the hierarchical superiors responsible for the conduct of the subordinates, "if he orders or endorses irresponsible conduct". Conversely, the transparency obligation may also lead to a form of paralysis of the system because the surveillance and control involved in such superior/subordinate responsibility may negate the very principle of leadership being demanded at all levels of the hierarchy. Practice and common sense are probably just as important in this area. Indeed, if one insists on shifting responsibility upward, the lower echelons will systematically attempt to protect themselves because, in case of error, their heads could be on the chopping block; as a result, each order, each directive, each telephone conversation will be noted and recorded. This is undoubtedly the best way to turn our soldiers into voice mailboxes or mobile stenographers, all in the name of morals or ethics.

On this point, the principles are simple. Has the soldier followed properly legitimate orders? If so, any damage caused is the responsibility of the person who gave the order. But were the orders or directives legitimately defined? If so, it is irresponsible to hold the superior hierarchy responsible for errors committed by the subordinate. Otherwise, it is just as proper for responsibility to move or shift upward. We are not going to rehash here the debate we mentioned regarding accountability issues. The crucial thing is that the transparency of the system must be maintained within the framework of a continually changing process, and the effects of the system must be corrected whenever a disturbance throws it off. The notion of adaptability and perfectibility are part and parcel of a democratic, legal or military system. The rules are the same for everyone.

Ethics codes are little help in correcting a situation. They can be posted on an electronic bulletin board; they will be forgotten next day. The Canadian military profession has its own ethics code, based on the following duties: loyalty, honesty, courage, diligence, equity and responsibility. Every profession has its ethics code, and some are clearer than others, but these codes are often only read to be subsequently filed away in a drawer. Rosalie Bernier, in charge of the Ethics Programme at DND, points out that the Canadian programme has four components: ethics awareness, an education programme, development

and reinforcement of certain basic values (integrity, trust, justice and property), and ethics advice in the workplace.

We believe that it is important to develop an ethics programme that is better formulated than the one we have, and that will connect the issues of political and military accountability in a manner more understandable to the Armed Forces. Like the politicians, the military cannot evade accountability. The present situation whereby the military blame the civilians as regards accountability, and the opposite abuse - if any - by politicians who want to blame the chain of command deserves study and clarification, not in terms of the so-called "civilianisation" of the military - which is only a means to avoid one's responsibilities - but in terms of greater military clarification between the chain of command and control proper, and the administrative support chain, under the joint direction of CDS-Deputy Minister. We will come back to these issues in the next section.

**Recommendation 19: That a committee clarify the concepts of military accountability in matters of command and control, that an administrative committee clarify the concepts of accountability in matters of logistics support in case of a hitch in the conduct of operations, and that a committee determine the concepts of accountability in matters of press relations and the military's freedom of expression, in order to increase the transparency of the system and therefore the democratic nature of the responsibility hierarchy.**

**Recommendation 20: That the conclusions of the study committees be subsequently transformed into an accountability process that better integrates the planning, evaluation and management decision functions of DND.**

We will come back later to the issue of the military's freedom of expression. As regards accountability and responsibility, we acknowledge that DND is a special Department. It does not have a public to serve, unless that be Canada as a whole, and opinions may vary widely as to what constitutes the national interest of Canada. Like any other department, it has the obligation to report financially to the Auditor General. One might also conclude that DND's primary duty is to treat its soldiers well, but this view is too circumstantial and specific. British Columbia Deputy Minister for Higher Education Gary Mullins noted that in organizations that do not try to meet the requirements of a specific public, "it is the combined conflicts and interactions between the values of the various internal groups that determine the direction of the organization". Ethics transformed into an on-going evaluation process is perhaps the only normal arbitration that will enable everyone to become fully aware of their responsibilities. The philosopher Martin Heidegger wrote in *Being and Time* that conscience is the "clarification of being". This concept is fundamental to a democratic system.

### 3) Ratios between Officers/Soldiers and Minorities

In October 1979, the officers/soldiers ratio of the Canadian Armed Forces was 19.2 per cent. In 1996, it is 19.5 per cent if we exclude the 1,317 Officer Cadets in order to get comparable figures, or 21.7 per cent if Officer Cadets are included (see table below). There are several explanations for this relative stability that many consider harmful for the operational segment of the Armed Forces has several explanations. The Armed Forces underwent a considerable reduction since 1980, the average age has risen, and it is simpler to reduce the troops than to eliminate officers.

**CANADIAN ARMED FORCES (Regular Force)  
BREAKDOWN OF OFFICERS AND NON-COMMISSIONED OFFICERS  
AT 30 NOVEMBER 1996**

(by environment and sex)

	ENVIRON- MENT	TOTAL NUMBER	MEN	WOMEN	Women Officers
OFFICERS <b>13,355</b>	SEA LAND AIR	2,506 4,770 6,079	2,200 4,394 5,286	306 376 793	12% (a) 8% (b) 13% (c)
21.7%					<b>Women non- commissioned officers</b>
NON-COMM. OFFICERS <b>48,188</b>	SEA LAND AIR	8,714 22,790 16,684	8,070 21,382 13,802	644 1,408 2,882	7% 6% 17%
78.3%					
<b>TOTAL</b>		<b>61,543</b>	<b>55,134</b>	<b>6,409</b>	<b>% of women</b>
			(d)		<b>10.4%</b>

**Source:** DPIS 2-3, *Personnel Reports*, at 30 November 1996

(a) Including 2 with the rank of colonel and higher

(b) Including 2 with the rank of colonel and higher

(c) Including 3 with the rank of colonel and higher

(d) Two people are missing here from the statistics supplied by DND.

The 1994 White Paper also expressed the wish to reduce the "combat troop/bureaucrat" ratio, although this is aimed at the ratio between the operational components and NDHQ. The objectives between now and 1999 is to maintain approximately at 60,000 the strength of the Regular Force and at approximately 23,000 the strength of the Primary Reserve. The officer/soldier ratio desired by the Staff for fiscal year 1998-99 is 1:4.2 for the Canadian Forces as a whole, but 1:7 for the Navy and 1:7.5 for the Land Forces.

Overall, in spite of DND's efforts, further effort is required in order to reduce the number of officers relative to non-commissioned members. To take two extreme examples, in the United States, a rich and sovereign power, and in Belgium, a small power that does not face the constraints of Canadian geography, the officer to non-commissioned member ratio is far more balanced. Thus, in the United States, there are 16 per cent officers relative to troops in the Regular Forces while in Belgium, the figure is 13% officers versus non-commissioned members.

**Recommendation 21: That the possibility be provided to remunerate the senior ranks of the Canadian Forces as supernumeraries up to 50% of their pay, even while being entitled to receive their pension. This formula should accelerate the departure of senior ranks, since they would continue to receive approximately the same pay as when working full time. Amendments to the present legislation will not doubt be required to achieve such objectives.**

A comparison of the ratio of career officers 17 years apart shows that there has been a slight increase in two and three-star generals, but a clear reduction in the number of one-star generals. The recent restructuring of the Armed Forces has reduced the number of two-star generals by eliminating the Headquarters of the various services, and the major change occurred in the number of generals at the Brigadier-General level. On the other hand, there has been a sharp increase in the number of officers of lower ranks, particularly captains and majors. This is no doubt due to the aging of the military population, and to the lack of recruitment over the last few years, as there is a clear reduction in strength at the first two echelons of the hierarchy. It is no doubt at this level that the most immediate efforts should be made. We are not able to make recommendations on so delicate a subject, since we are dealing here in most cases with young members whose career is just unfolding. This issue should perhaps be linked to recommendations 15 and 16 we made earlier.

Rank	Number of officers in October of 1979	Number of officers in November of 1996	Change in absolute numbers
GEN	1	1	(0)
LGEN	8	11	(+3)
MGEN	20	25	(+5)
BGEN	72	51	(-21)
COL	320	272	(-48)
LCOL	918	948	(+30)
MAJ	2,915	3,161	(+246)
CAPT	6,279	6,573	(+294)
LT	1,860	1,012	(-848)
2LT	2,722	504	(-2,218)

Source: *FYFFE Report, op. cit.* and *DPIS 2-3, op. cit.* 30 November 1996.

#### 4) The Armed Forces and the Multicultural Society

In the United States, there has been remarkable progress in female enrolment in the Armed Forces. In September 1995, 13.2% of all officers were women, and they represented 12.6% of the other ranks. They constituted 22 per cent of Army recruits, and personnel officials predict that by 1996, there will be one woman enrolled per five soldiers. Over 50% of the women recruited are under 26 years of age, and less than 50% are married, as compared to 66% among men. On the other hand, 41% of the women in the Services are from minority groups. The U.S. Armed Forces are thus a major recruiting ground for women belonging to minorities. In addition, the various visible minorities (African-Americans, Hispanics and other minorities) account for the following percentages in the armed forces: Army (39%); U.S. Navy (31.3%); U.S. Marines (30.1%) and U.S. Air Force (22.8%).

In Canada, the diversity of the CF membership is not representative of Canadian multiculturalism. We are concerned here with the native peoples who constitutes 3.2% of the population of recruitable age, and visible minorities that amount to approximately 9.4 per cent of the recruitable population. Overall, based on a questionnaire given to the Armed Forces in 1995, 1.4% of respondents identified themselves as natives, and 2.1% as belonging to visible minorities. Most respondents who identified themselves as natives are part of the Regular Force. The conclusion is that native representation in the CF is lower than their representation within the Canadian community. The same phenomenon holds true for the other visible minorities. However, their representation within the officer corps is similar to the rest of the CF

membership. In other words, although they are few in number, their rank distribution is the same as for the other members within the military hierarchy. The argument of under-representation, however, also applies to women, who amount to slightly over 50% of the population that is recruitable.

In fact, it is difficult to take the United States as an example because the population bases are difficult to compare since they are not distributed as homogeneously. Moreover, the overwhelming majority of natives live far from the major urban centres where recruiting is most active. The CF also constitute a society the values of which do not suit everyone, and a multitude of other socio-cultural factors could also explain these differences. Undoubtedly, while it is desirable for the CF to reflect the broadest cultural diversity possible, it is also important not to put the interests of minorities ahead of the operational effectiveness of the Forces or, if so, it must be acknowledged that there will be a huge cost to pay. The same phenomenon occurs in the United States, and the same remarks are made.

In his report as co-Chairman of the Royal Commission on the Native Peoples of Canada, the Honourable René Dussault estimates at slightly over 13 billion dollars the amount all governments spent in 1996 with respect to natives. That figure could increase to over 17 billion annually in 20 years due to demographic growth alone. This means that these expenditures would largely exceed the DND's budget, while other departmental agencies are also actively engaged in the democratic socialization of this country. One must be aware of the fact that the CF can hardly play a nation-building role in Canada, given the reluctance of private groups and the unions, which would oppose any basic infrastructure building policy (highways, roads and bridges, schools and health facilities, hospitals, etc.) in the Far North. Obviously, the Canadian Rangers are part of the Canadian legend as regards surveillance of the Far North. These activities specific to the Reserve constitute a major evolution in the history of this country, but the other visible minorities are just as important. In the current state of things, we do not have enough information to make specific recommendations on this point, other than to monitor closely the changing situation and devote more attention to these issues.

### 5) A More Open and Transparent Military-Justice System?

The Canadian military-justice system has four distinctive characteristics. The first two are shared by most democratic States. First of all, these are justice systems parallel to the civilian justice system for criminal or civil law. Secondly, most of these systems are extremely outdated, above all certain Queen's regulations and orders for the Canadian Forces. The third characteristic is their hybrid nature, because most serious criminal offences are judged under civilian or criminal law (murder, assault, sexual assault), except in war time when the military courts recover certain prerogatives for reasons of effectiveness and troop discipline and security. Finally, the fact that the military are both judge and party, i.e. Crown Attorney and attorney for the defence, in the cases they must deal with, renders them suspect to civilian society. We cannot cover all these aspects here due to the lack of time and space, but also out of respect for the Task Force of ex-Chief Justice Brian Dickson, tasked with reviewing the foundations of military justice. However, the first two points are important in connection with the overall approach we have developed in this report: the place of the Armed Forces within a democracy. We will therefore look more closely at the first two characteristics.

The first argument is undoubtedly the most interesting one. In the United States, the general tendency is to let the military take care of the good order and discipline of their troops according to their own rules of internal organization required to maintain morale and discipline, provided that those rules remain compatible with the legal corpus of the other laws of the land. At law, it is the principle of "deference" that prevails, whereby it is in the habit of the Supreme Court to show the greatest confidence in a system the viability of which rests entirely upon the judgment of those who are the real professionals in military

matters. In Canada, the Supreme Court decision in the case that pitted the Crown against serviceman Généreux (*Regina versus Généreux*) in February 1992 confirmed two things. The first one is that the criminal courts are, as a rule, inadequate to meet the particular requirements of service discipline, effectiveness and morale, hence the need to maintain separate courts to apply the Code of Service Discipline. The second one is that the structure of the military-justice system does not comply with the guarantees provided under paragraph 11(d) of the Canadian Charter of Rights and Freedoms, to the effect that any judgment must be founded on the principle of impartial, independent courts. On the other hand, section 11(f) of the same Charter recognizes that a separate military-justice system for the Armed Forces is justified, except in cases where the potential sentence is five years' imprisonment or more.

The main sources of Canadian military law are therefore the Constitution, the Canadian Charter of Rights and Freedoms, the National Defence Act which includes in its Parts IV to IX the Code of Service Discipline, as well as all the other legal instruments to which it is subject, such as the Canadian Human Rights Act, the Criminal Code of Canada, and the Drug Control Act. The rationale for the Code of Service Discipline is relatively simple: to maintain at all times disciplined, effective forces loyal to the State. Thus, absence from work may be considered desertion, and an act of insubordination a crime punishable by life imprisonment. The important thing to remember is that a soldier is not obligated in any way to put his life or that of others in danger, or to resort to physical force unless authorized to do so. The soldier has an "unlimited responsibility" to the State; discipline is therefore regarded as a "complement indispensable" to leadership.

R.A. McDonald writes that the disciplinary system must therefore "rely on the lessons of history while staying in touch with the values of the civilian population (because) an undisciplined military force is a greater danger to Canada than any foreign enemy". In the United States, the Uniform Code of Military Justice implemented in 1950 has always been considered a compromise between those who wanted greater civilian control and those who wanted greater command control. In Canada, things are no different, but the Supreme Court decision in *R. v. Généreux* as well as the Canadian Charter of Rights and Freedoms sharply accelerated the transformation process of military justice in Canada. The 1994 White Paper recognizes the necessity to modify our military-justice system and to harmonize it with the rest of the corpus of Canadian civilian and criminal laws. The death penalty will no doubt be excluded from the Code of Service Discipline, and the possibility is being examined of restricting Summary Military Trials to simple findings or sentences of an administrative nature, i.e. to what is essential in order to maintain discipline, the other serious offences being anyway decided by civilian criminal courts. Moreover, the military system does not want to lose the only instrument for control it still has in disciplinary matters, because the future of that system and its effectiveness are at stake. The fact that any member of the Forces may file an appeal with a Court of Appeal, and even with the Supreme Court, against a decision in his case, constitutes in the eyes of the military a surefire guarantee of the integrity and impartiality of their military-justice system.

The second characteristic, common to all western systems, is the archaic, outdated nature of some provisions of the *Queen's Regulations and Orders*, more specifically the clauses dealing with the military's freedom of expression. In order to implement the National Defence Act and to apply it administratively, the Governor in Council has the authority to pass regulations pertaining to the organization, training, discipline, effectiveness and administration of the Forces. The Minister may also formulate or demand the application of certain regulations, subject to some limitations, dealing with the same subjects, to the same extent as the Chief of the Defence Staff. The provisions are important because the authority and power to command of officers and NCOs are those defined by the *Queen's Regulations and Orders*.

Regarding freedom of expression, the relevant paragraphs are c, d, e and j of Section 19.36. Thus, a member may not express his view on any military subject to persons not authorized to hear them, may not express himself publicly on any subject pertaining to military matters, cannot address the public in writing and may not express himself regarding subjects which pertain to other Departments or the public policy area. In other words, we are asking our military to be mute, unless they have first obtained, under Section 19.37 below, authorization to express themselves, from the Chief of the Defence Staff or his delegated subordinate. These rules from the Middle Ages must disappear because they are an insult to public intelligence. One cannot logically ask soldiers to be citizen-soldiers, complying with all civilian laws, while at the same time depriving them of the basic rights and freedoms of democracy. We acknowledge, to be sure, the fact that certain provisions of section 19.36 remain valid, such as expressing one's views on the justification (or lack thereof) of superior orders and commands, unless one's conscience is violated, or the prohibition to disclose documents or policies covered by secrecy provision. Having said that, one must recognize that freedom of expression complies with the discursive ethic, is necessary for any transformation of the system from the grassroots up, and makes it possible for the top of the pyramid not to be completely severed from reality.

**Recommendation 22: That there be a full review of the *Queen's regulations and orders for the Canadian Forces simultaneously with the reform of the Canadian military-justice system.***

As regards the military-justice system, several options must be considered with a view to more democratic openness and transparency. The Dickson Task Force will make many proposals far more extensive than ours. Before looking at the options offered to Canadians, one fact seems very clear to us: the judicial examination, defence, proceedings and investigation functions must be separated from each other, in accordance with the principles prevailing within all other Canadian courts. This differentiation of functions is crucial to the accountability and authority of the chain of command and its dissociation from judicial measures.

**Recommendation 23: That the judicial proceedings, defence, investigation and examination functions within the military-justice system be clearly separated from each other, as is the case with the other civilian or criminal courts.**

We are unable to state here whether or not it would be justified to remove the Code of Service Discipline from the National Defence Act in order to turn it into a separate Act of Parliament. We gladly leave it up to the legal experts to determine the powers of Parliament and of the executive in this matter. At any rate, we do not think that the reforms proposed here are sufficient to meet the rapidly changing needs of a democratic society. Many complaints made by the military relate to their work environment, their promotion systems, the relations between the Reserve and the Regular forces, leadership issues or their social well-being and their health. Before discussing these issues, three potential options for military justice should be noted.

The first one is to maintain an independent military-justice system, as is the case now, but amending the Code of Service Discipline in order to adapt it to the needs of civilian society. This solution is already somewhat hybrid because all serious criminal offences are already automatically dealt with before civilian criminal courts. The second solution would simply send everything to civilian courts, even cases of spying which, in 1950, were added to the Code of Service Discipline, a category invented following the Gouzenko affair in Canada in order to satisfy everyone's security requirements within the three military Services. The Armed Forces could then adopt a simple ethics code, offences against that code being subject only to administrative sanctions. The latter solution would undoubtedly be the one preferred by

enlightened democrats, but it would no doubt fail to meet the strict requirements of military needs. Moreover, while it is true that the citizen-soldier is a valuable objective in a democracy (an educated soldier, not cut off from civilian reality, aware of his duties regarding the operational effectiveness of his troops and his obligations to the government, and accountable for his actions in every sense of the word, it is quite useless to turn him into a civilian, because the sole purpose of the uniform, under those circumstances, would be to be worn during military parades. We only mention this alternative because it is not impossible that it might materialize someday, circumstances permitting. That is to say, when "man will live on love alone", as in Raymond Lévesque's song. Moreover, the rapid changes in military law triggered by the Canadian Charter of Rights and Freedom have already brought about major changes with respect to court martials, and others will follow shortly.

Moreover, more fundamentally, none of these options meet the requirements of greater openness and transparency of the military system. Freedom of expression is a point that we will not belabour again. In reality, it is urgently necessary to review all the soldiers' rights and freedoms issues, including those concerning their career, their promotion, their family and their obligations within a society that is at least pluralistic, if not altogether fragmented. These issues involve homosexuality, employment equity, women's place within the Armed Forces, and a multitude of other subjects, such as the issues of intimacy and "fraternization". Some people would like to shelter the military from social problems, but we believe that this would end up widening the gap between the civilian society and the military one.

The only conflict resolution mechanism that seems to work relatively well in other democracies is the presence of a "military ombudsman" or an "ombudsperson". This constitutes our third option: military justice supported by a neutral party which, by its very nature, can play a preventive and democratic opening role. It is true that since 1950 there has been an explosion of organizations equipped with mediation and persuasion powers, operating on an anonymous basis, and whose essential role is to respond to the complaints of individuals or groups against the judicial or administrative abuses of institutions, organizations or governments. There are today, in the United States, thousands of "ombudspersons" in hospitals, universities, media and other institutions. More than 40 countries have "ombudspersons", and their number is rising, no doubt for reasons linked to the need to insert a neutral or third party between the governed and the governing, and to ensure - in an atmosphere of neutrality - that the laws and statutes of a country are respected.

In 1723, the King of Sweden appointed a Justice Chancellor to investigate the abuses of royal dignitaries. In 1809, Sweden acquired a justice "ombudsperson"; Norway followed more than one century later, but that country was undoubtedly the first one to set up in 1952 an "ombudsperson" for the military. The attempt was made to turn this "ombudsperson" into an extension of the Minister's executive power, but the Storting opposed it, and the person in charge reports directly to Parliament. Norway even has an "ombudsperson" for conscientious objectors. Since 1956, The Federal Republic of Germany also has an "ombudsperson" for the Bundeswehr forces, and the position is currently held by a woman, Mrs. Claire Marienfeld. Her exact title is "The Parliamentary Commissioner for the Armed Forces", a title defined in section 14b of the Basic Law of 19 March 1956. The law regarding the Parliamentary Commissioner was passed on 27 June 1957. On 3 April 1959, the first German Armed Forces Parliamentary Commissioner took up his duties. The Commissioner's role is to guarantee the "fundamental rights" and to assist the "Bundestag" in exercising its parliamentary control. In a paper explaining her role, Mrs. Marienfeld stated that if the role of the Parliamentary Commissioner did not exist, it should be invented. In Israel, these functions are carried out by an "ombudsperson", but occasionally this role is completed by the State Comptroller, while another "ombudsperson" is responsible for the City of Jerusalem.

Professor Hill suggests that "the 'ombudsperson' can be thought of as a cybernetic device for mediating relationships between the governors and the governed". He/She has no decision-making power, he/she cannot issue orders of an administrative nature nor reverse an administrative decision. Her main instruments are mediation, suasion, publicizing the issues, petitions and evaluations; overall, it is an alternative dispute resolution method (ADR - Alternative Dispute Resolution). As a rule, the role of such an individual is to reinforce the quality of the administration and trust in the system's ability to adapt. The status of such a person must not be perceived as an additional control instrument aimed against the bureaucracy. On the contrary, this must be seen from a much more positive angle, as an element or mechanism designed to encourage constant dialogue, a form of social adaptation, a preventive diplomacy mode against administrative abuse, and a sustained correction process between the objectives of an organization and the means of achieving them, while respecting individual rights and practising a transparent ethic. More profoundly, it must be recognized that such a procedure is only meaningful, in an organizational context, if there is some congruence between the individuals and the society to which they belong, based on a search for shared values. Creating an "ombudsperson" is only meaningful if the objective is to better link civilian society and military society, because any other purpose designed to shelter the military from the so-called civilian "perversions" is doomed to fail. Once again, the objective is to bring the two societies closer together, and not to drive them apart.

**Recommendation 24: That the Canadian government set up the position of Parliamentary Commissioner responsible for ensuring that basic individual rights and freedoms are enforced within the Canadian Armed Forces, that the principles of ethics are applied to the areas of leadership, career promotion, services to Forces members and their families as well as to the working relations between the Regular and Reserve Forces.**

## **5 - An Army that is Better Integrated into the Nation?**

Soldiers can be placed into the horrible situation of having to kill or be killed. They therefore violate one of the fundamental rules of their conscience: "though shall not kill". This obligation is a serious inroad into their conviction ethic, but their responsibility ethic is set on the basis of a superior good: that of defending the State. The role of armies is therefore not to make war or to take it to the enemy, but rather to carry out the mission entrusted to them by the State. Conversely, the State has no conscience, or if it has one, it is collective, and is delegated to the State by the primary conscience of the individuals whose protection the State must ensure. A democratic State is a State that meets the discursive ethic requirements of the people's sovereignty. It may thus sovereignly decide to be pacific, not to have armed forces, or else to have some in order to defend its interests or to carry out proactive defensive diplomacy, as in the case of peacekeeping. Regardless of the political option selected, the legitimacy of the State must, in a democratic State, cover both the domestic and external elements of its policy.

Laws are the expression of civilian society. That is why they are changed, amended and adapted to the needs of society. The English revolution under Cromwell was due to the fact that Charles I wanted to make the "Articles of War" an extension of the royal prerogatives, although England at the time was at peace. Things have changed since. Mass mobilization and popular revolutions have turned the citizens into servants of the State. Is one born Canadian, or does one assume the Canadian nationality if immigrating legally into the country? This notion of mandatory belonging is governed by laws and statutes. What State today covets Canada? Inevitably, questions arise on two points: what to do with the armed forces accumulated during fifty years of Cold War, and how should they be integrated in civilian society?

We defined above the two options that we believe are the most reasonable. They are either that of a professional army which must fight and be integrated within the allied command structure or the UN, or the one closer to the nation, defined by the Total Force concept where the Regular and Reserve Forces cooperate closely. Both formulae are costly because the first one forces us to follow technological advances and to incorporate into the military structure the consequences of what strategists call RMA (revolution in military affairs). The second one is also costly but different, because it emphasizes a broader population base, the training of young soldiers who can learn civilian duties via all kinds of search and rescue operations, aid to civilian power operations, or abroad, within the framework of low-intensity military operations.

Within the broader context of civilian-military relations, the government should study the feasibility of giving the Reserve opportunities for closer collaboration between the Provinces and the Canadian Armed Forces. The purpose would not be to militarize functions reserved to the police or other law-enforcement bodies, but rather to insert the Armed Forces into civilian operations that use their talents and expertise, either with federal departments or with provincial ministries. As addressed by Dr. George Lindsey, if interdepartmental cooperation in Ottawa is paralyzed by the fact that each department is jealously guarding its own prerogatives and each one refuses the other the possibility of billing for its services, perhaps the government should turn to the provinces, as some might be more open to cooperation than others. There is no shortage of fields of activity to be explored.

There is no doubt that greater interdepartmental cooperation is required in every field. For instance, on numerous occasions, proposals were made regarding Canada's maritime sovereignty. This happened during the review of Canadian defence policy under the Trudeau government in 1968, and more recently with the Gordon F. Osbaldeston report on the use and management of the federal government's sea-going fleet. We should perhaps think about it again, and above all reflect about the numerous services DND can provide to the other departments. The issues do not change: all the departments knock on DND's door, but no one is prepared to pay or to share the bill.

**Recommendation 25: That the missions of the three Services be reviewed in order to better define the real Canadian commitments regarding sovereignty, and that departmental infighting over the responsibilities to be shared in this matter cease.**

**Recommendation 26: That the government study the feasibility of closer cooperation with the provincial governments that may wish to do so, more specifically in activity sectors where the talents of Reserve soldiers and officers could be usefully employed.**

Regarding peacekeeping, Canada must also assume better-defined responsibilities in order to avoid endangering the life of its soldiers. It is a moral duty to provide to Armed Forces with the means to protect themselves when they are on a mission abroad. It is also part of the government's responsibility ethic not to send our soldiers anywhere, anytime and in any situation. The concepts of responsibility and accountability should intervene more clearly, on the one hand, between DND and the government as a whole, and on the other hand, between the Chief of the Defence Staff and Parliament, in the annual report that we have recommended. The temptation to send our forces abroad in order to bring back to Canada Nobel Peace Prizes should be avoided. The government is accountable to the people and therefore to our soldiers as well.

Finally, although democracy is triumphant just about everywhere, and the danger of communism has now been replaced by that of "globalitarian" regimes, the democracies should ask themselves someday

whether the existence of armed forces in peace time must be considered the rule or an exception. Especially since democracies rarely wage war on each other. This possibility seems the more unlikely for Canada since this country has barely sufficient forces to ensure its sovereignty. In the meantime, the five priorities of the government of Canada should be:

1. redefining the mission of the Land Forces;
2. educating its soldiers;
3. improving training for participation in reconstruction and peace building missions;
4. integrating them better into civilian society, and
5. developing an ethics and management system that would comprise:
  - o political accountability and technical accountability functions;
  - o civilian-military relations;
  - o the military justice and civilian justice systems;
  - o soldiers' rights and freedoms within Canadian society;
  - o relations between the media, politicians and the military.

## List of Recommendations

**Recommendation 1:** As a first step, the Government ought to define the mission and role of the Army, as well as its *raison d'être* and its place within Canadian society. Other recommendations resulting from this proposal are formulated below.

**Recommendation 2:** That each major peacekeeping operation in which Canada is a participant be equipped with an interdepartmental coordination structure comprised of the Chief of the Defence Staff and the two Deputy Ministers for National Defence and External Affairs, with representatives of the Privy Council, the Canadian International Development Agency, the Chief Electoral Officer of Canada, the Royal Canadian Mounted Police and other departments, if they are concerned with an operation underway.

**Recommendation 3:** That a second follow-up coordination cell be created, located inside DND, and comprising at least the following representative elements: one representative of the Department of External Affairs, one representative of the Office of the Judge Advocate General or the Military Police, one representative of DND Political Affairs Branch, and one representative of each military service involved in the mission. This organization could coordinate a single mission or several simultaneous missions, if justified by circumstances, and operate as a crisis cell during the bulk of the operations.

**Recommendation 4:** We insist on maintenance of the present DND structure, while wishing to see certain changes in the roles of the Chief of the Defence Staff and in the command structure. Other recommendations follow.

**Recommendation 5:** That a brief report by the Minister be submitted to Parliament simultaneously with the National Defence Expenditures Budget. The purpose of that annual report would be to specify by what means and how government objectives can be reached, and by what means and how it should be possible to correct in the long run situations that might seem deficient in the short term, and in what way these objectives cannot be reached, if that is the case.

**Recommendation 6:** That the chain of command be direct, clear and precise: the operational

**commanders take their orders from the Chief of the Defence Staff through the Deputy Chief of the Defence Staff, not through the commanders of the Commands.**

**Recommendation 7: That the command structures by regional area be amalgamated on the basis of an inter-service Command, each service continuing to be responsible for the command of its unit(s) within that amalgamated structure. Responsibility for the regional command would belong to the element that is dominant within the regional command.**

**Recommendation 8: In order to prevent the unacceptable level of stress in military families, we recommend that the duration of missions abroad of our military contingents on peacekeeping operations be reduced from 6 to 4 months, similarly to British and French practice.**

**Recommendation 9: Regardless of the choices that the Canadian government will make with respect to equipment, it should do everything possible to maintain a minimum specialization capability within the specific field of submariners.**

**Recommendation 10: That the Government of Canada state the mission of the Land Forces by defining their functions as being basically to guarantee within the country the sovereignty and integrity of its territory and to assist civilian authorities, and abroad to participate in peacekeeping and humanitarian assistance missions, within a low-intensity conflict environment, or medium-intensity if our army is well equipped and supported by reliable allies who can provide it with air cover and potentially close-in protection.**

**Recommendation 11: That the concept of Total Force be maintained, but that it be reviewed in view of our soldiers' need for education and an improved career profile integration within the Armed Forces. These career profiles must be more in line with the needs of the citizen-soldier and with the true management and administration needs of the Armed Forces.**

**Recommendation 12: That the armoured equipment needs of the army be basically focused on tactical mobility, using tracked or wheeled armoured troop carriers equipped with reasonably heavy cannon or artillery pieces which would guarantee their security and protection within the framework of their peacekeeping missions.**

**Recommendation 13: That Officer Cadet training time at the military colleges be reduced from 4 to 3 years, while the authorities should agree on provision of equivalent courses at civilian universities for up to 35 or 40 per cent of the content of their training.**

**Recommendation 14: That the Staff study the development of multidisciplinary programmes for its officers, and that an equivalency programme be accepted for courses taken by officers at civilian universities.**

**Recommendation 15: That new military management and administration functions be created in the Forces in order to prepare senior officers for the senior administrative functions that await them within NDHQ.**

**Recommendation 16: That more attention be paid to Reserve and Regular Force officer training programmes in order to improve their integration within civilian-military operations during peacekeeping missions abroad.**

**Recommendation 17: That a Forum for Higher Learning be created in order to introduce senior civilian and military officials to civilian-military relation issues in democracies that are incipient or in transition to democracy, as well as in the western democracies.**

**Recommendation 18: That the Lester B. Pearson Centre, Cornwall, the Canadian Forces College, Toronto, as well as the Forum for Higher Learning on civilian-military relations, the establishment of which we proposed in recommendation 16, be brought together at a single location. This would provide cost savings and ensure greater synergy between the various intellectual resources of this country, in order to provide a better framework for the training of the military. These resources should preferably be brought together under the aegis of RMC, Kingston.**

**Recommendation 19: That a committee clarify the concepts of military accountability in matters of command and control, that an administrative committee clarify the concepts of accountability in matters of logistics support in case of a hitch in the conduct of operations, and that a committee determine the concepts of accountability in matters of press relations and the military's freedom of expression, in order to increase the transparency of the system and therefore the democratic nature of the responsibility hierarchy.**

**Recommendation 20: That the conclusions of the study committees be subsequently transformed into an accountability process that better integrates the planning, evaluation and management decision functions of DND.**

**Recommendation 21: That the possibility be provided to remunerate the senior ranks of the Canadian Forces as supernumeraries up to 50% of their pay, even while being entitled to receive their pension. This formula should accelerate the departure of senior ranks, since they would continue to receive approximately the same pay as when working full time. Amendments to the present legislation will not doubt be required to achieve such objectives.**

**Recommendation 22: That there be a full review of the *Queen's regulations and orders* for the Canadian Forces simultaneously with the reform of the Canadian military-justice system.**

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